GOVERNMENT OF KERALA

Law (Legislation–Publication) Department

NOTIFICATION

No. 20181/Leg. Pbn.2/83/Law. *Dated, Trivandrum, 16th December,* 1983.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II —Section 1, dated the 9th September, 1983, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 7th September, 1983.

By order of the Governor,
K. SREEDHARAN,
Law Secretary.

THE VEGETABLE OILS CESS ACT, 1983
(Central Act 30 of 1983)

An
Act

to provide for the levy and collection of a cess on vegetable oils for the development of the oilseeds industry and the vegetable oils industry and for matters connected therewith.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Vegetable Oils Cess Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "mill" means any premises in which or any part of which, vegetable oil is produced, or is ordinarily produced, with the aid of power.

Explanation.—"Power" means electrical energy or any other form of energy, which is mechanically transmitted and is not generated by human or animal agency;

(b) "occupier", in relation to any mill, means the person who has the ultimate control over the affairs of the mill, or the owner of the mill in case he is not the occupier;

(c) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions used but not defined in this Act and defined in the National Oilseeds and Vegetable Oils Development Board Act, 1983, shall have the meanings respectively assigned to them in that Act.

3. *Levy and collection of Cess on vegetable oils.*—(1) There shall be levied and collected by way of cess for the purposes of the National Oilseeds and Vegetable Oils Development Board Act, 1983, a duty of excise on vegetable oils produced in any mill in India at such rate not exceeding five rupees per quintal of vegetable oil, as the Central Government may, from time to time, specify by notification in the Official Gazette:

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate of one rupee per quintal of vegetable oil.

(2) The duty of excise levied under sub-section (1) shall be in addition to the duty of excise leviable on vegetable oils under the Central Excises and Salt Act, 1944 (1 of 1944), or any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be payable by the occupier of the mill in which the vegetable oil is produced.

(4) The provisions of the Central Excises and Salt Act, 1944 (1 of 1944), and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the said duty of excise as they apply in relation to the levy and collection of the duty of excise on vegetable oils under that Act.

4. *Crediting proceeds of duty to the Consolidated Fund of India.*—The proceeds of the duty of excise levied under sub-section (1) of section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Board, from time to time, from out of such proceeds (after deducting the cost of collection) such sums of money as it may think fit for being utilised for the purposes of the National Oilseeds and Vegetable Oils Development Board Act, 1983.

5. *Power to call for reports and returns.*—The Central Government may, require an occupier of a mill to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

6. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the form in which and the period within which statistical and other information may be furnished under section 5.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. *Amendment of Act* 15 *of* 1966.—In the Produce Cess Act, 1966,—

(a) in section 2,—

(i) sub-clause (ii) of clause (g) and the *Explanation* thereto shall be omitted;

(ii) clause (i) shall be omitted;

(b) section 6 shall be omitted;

(c) in the Second Schedule, S. No. 3 and the entries relating thereto in columns 2, 3 and 4 shall be omitted.

Kerala Gazette No. 3 dated 17th January 1984.
PART I Section iii

கேரள அரசு

சட்டம் (சட்டமியற்றல்-சி) துறை

அறிவிக்கை

எண். 4843/சட்டம் இயற்றல் (சி) 3/83/சட்டம்.

திருவனந்தபுரம், 1983 ஏப்ரல் 7 / 1905 சைத்ரா 17

கேரள மாநில சட்டமன்றப் பேரவையின் பின்வரும் சட்டம் பொதுத் தகவலுக்கென பிரசுரிக்கப்படுகிறது. சட்டமன்றத்தால் நிறைவேற்றப்பட்ட மசோதாவுக்கு 1983 ஏப்ரல் 6-ம் நாள் ஆளுநரின் ஒப்புதல் கிடைக்கப்பெற்றது.

ஆளுநர் ஆணைப்படி,
கெ. விஸ்வநாதன் நாயர்,
தனிச் செயலாளர் (சட்டம்).

The Kerala Raw Cashewnuts (Procurement and Distribution) Amendment Act, 1983

1983-ன் 5-வது சட்டம்

1983-ன் கேரள பச்சை முந்திரிக்கொட்டை (கொள்முதல் மற்றும் விநியோக) திருத்த சட்டம்

1981-ன் கேரள பச்சை முந்திரிக்கொட்டை (கொள்முதல் மற்றும் விநியோக) சட்டத்தை திருத்துவதற்கான ஒரு சட்டம்.

தோற்றுவாய்.—இதன் பின்னர் காணப்படும் நோக்கங்களுக்காக 1981-ன் கேரள பச்சை முந்திரிக்கொட்டை (கொள்முதல் மற்றும் விநியோக) சட்டத்தினை திருத்துவது உகந்ததாகையால்,

இந்தியக் குடியரசின் முப்பத்துநான்காவது ஆண்டில் இது பின்வருமாறு சட்டமாக் கப்படட்டும்.

1. குறுந்தலைப்பும் தொடக்கமும்.—(1) இந்த சட்டம் 1983-ன் கேரள பச்சை முந்திரிக்கொட்டை (கொள்முதல் மற்றும் விநியோக) திருத்த சட்டமென அழைக்கப்படலாம்.

(2) இது 1983 பெப்ருவரி 22-ம் நாள் அமலில் வந்திருப்பதாகக் கருதப் படும்.

2. இப்போதுள்ள நீண்ட தலைப்பிற்குப் பதிலாகப் புதிய நீண்ட தலைப்பு புகுத்தப்படல்.—(இதன பின்னர் மூதற்சட்டம் என்று குறிப்பிடப்படும்) 1981-ன் கேரள பச்சை முந்திரிக்கொட்டை (கொள்முதல் மற்றும் விநியோக) சட்டத்தில் (1981-ன் 14) நீண்ட தலைப்பிற்குப் பதிலாகப் பின்வரும் நீண்ட தலைப்பு இடப் பட வேண்டும், அதாவது:—

"மாநிலத்துள்ள முந்திரிக்கொட்டை ஆலைகளுக்குப் பச்சை முந்திரிக் கொட்டை விநியோகத்தை நிர்வகிக்க உதவுவதற்கும் அது சார்ந்த காரியங் களுக்காகவும் ஏற்பாடுகள் உண்டுபண்ணுவதற்குரிய ஒரு சட்டம்".

3. தோற்றுவாய் திருத்தப்படல்.—முதற்சட்டத்தின் தோற்றுவாயில் ஆறுவது பத்திக்குப்பதில் பின்வரும் பத்தி இடப்படவேண்டும், அதாவது:—

"மேலும் இச்சந்தர்ப்பத்தில் மாநிலத்திலுள்ள முந்திரி ஆலைகளுக்கு மாநி லத்தினுள் உற்பத்தியாகும் பச்சை முந்திரிக்கொட்டை விநியோகத்தை நிர்வ கிக்க உதவுவதற்கும் மற்றும் அவ்வித பச்சை முந்திரிக் கொட்டைக்காகக் குறைந்த பட்ச விலை நிர்ணயிக்க ஏற்பாடுகள் செய்யவேண்டிய தேவை உள்ள தெனக் கருதப்படுவதாலும்; ".

4. பிரிவு 1-ன் திருத்தம்.—முதற்சட்டத்தின் பிரிவு 1-ல் துணைப்பிரிவு (1)-ற்குப் பதிலாகப் பின்வரும் துணைப்பிரிவு இடப்படவேண்டும், அதாவது:—

"(1) இந்த சட்டம் 1981-ன் கேரள பச்சை முந்திரிக்கொட்டை (விற்பனை மற்றும் போக்குவரத்து மற்றும் குறைந்த விலை நிர்ணய) சட்டம் என அழைக்கப்படலாம்."

5. பிரிவு 2-ன் திருத்தம்.—முதற் சட்டத்தின் பிரிவு 2-ல்,—

(i) உட்பிரிவு (ஏ)-க்குப் பதிலாகப் பின்வரும் உட்பிரிவு இடப்பட வேண்டும், அதாவது :—

(ஏ) "முகவர்" எனில் பிரிவு 3-ன் துணைப்பிரிவு (2)-ன் கீழ் நியமிக்கப் பட்ட முகவர் என்று பொருள்படும்;" :

(ii) உட்பிரிவு (டி)-க்குப் பிறகு பின்வரும் உட்பிரிவு புகுத்தப்பட வேண்டும், அதாவது :—

"(டிடி) "உரிமதாரர்" எனில் பிரிவு 2 ஏ-ன் கீழ் பச்சை முந்திரிக் கொட்டை கொள்முதல் செய்ய உரிமம் வழங்கப்பெற்ற ஒரு நபர் என்று பொருள்படும்;":

(iii) உட்பிரிவு .(இ)-க்குப் பதிலாகப் பின்வரும் உட்பிரிவு இடப் படவேண்டும், அதாவது :—

"(இ) பச்சை முந்திரிக் கொட்டை சம்பந்தமாக "குறைந்தபட்ச விலை" எனில் பிரிவு 5-ன் துணைப்பிரிவு (2)-ன் கீழ் அறிவிக்கை செய்யப்பட்ட விலை என்று பொருள்படும்;" ;

(iv) உட்பிரிவு (1)-ற்குப் பிறகு பின்வரும் உட்பிரிவு புகுத்தப்பட வேண்டும், அதாவது :—

"(எம்) "துணை உரிமதாரர்" எனில் பிரிவு 2சி-ன் கீழ் ஒரு உரிமதாரர் மூலம் நியமிக்கப்பட்ட ஒரு துணை உரிமதாரர் என்று பொருள்படும்."

6. புதிய பிரிவுகள் 2ஏ, 2பி மற்றும் 2சி புகுத்தப்படல்.—முதற்சட்டத் தின் பிரிவு 2-ற்குப் பிறகு பின்வரும் பிரிவுகள் புகுத்தப்படவேண்டும், அவையாவன :—

"2ஏ. பச்சை முந்திரிக்கொட்டை கொள்முதல் செய்வதற்கான உரிமம் வழங்கல்.—1983-ன் கேரள பச்சை முந்திரிக் கொட்டை (கொள்முதல் மற்றும் விநியோக) திருத்த சட்டம் அமலுக்கு வந்ததிலிருந்து முப்பது நாள் கால அளவிற்குள் அல்லது இதன் சார்பில் அரசால் குறிப்பிடப்படும் அவ்வித மேலுமுள்ள கால அளவிற்குள் ஏதாவது அனுபோக உரிமையுடையவர் பச்சை முந்திரிக் கொட்டை கொள்முதல் செய்யும் உரிமத்திற்காகத் தகுந்த அதிகாரிக்கு விண்ணப்பிக்கலாம்.

(2) துணைப்பிரிவு (1)-ன் கீழ் ஒரு விண்ணப்பம் குறிப்பிட்ட படிவத்தில் இருக்கவேண்டும் மற்றும் தகுந்த முறையில் பார்வையிடப்பட வேண்டும் மற்றும் அதில் இரண்டு ரூபாய் மதிப்புள்ள நீதிமன்றக் கட்டணவில்லை ஒட்டப் பட்டிருக்க வேண்டும்.

(3) துணைப்பிரிவு (1)-ன் கீழ் விண்ணப்பம் பெற்றுக்கொண்டதின் பேரில் தகுந்த அதிகாரி தேவையெனக் கருதும் அவ்வித விசாரணைக்குப்பிறகு விண்ணப்பித்த உரிமத்தினை வழங்கவோ அல்லது விண்ணப்பத்தினை நிராகரிக்கவோ செய்யலாம்:

எனினும் விண்ணப்பத்தை நிராகரிப்பதற்கு முன் அவ்வித நிராகரிப்புக்கு எதிராக தனக்குரிய காரியத்தைக் குறிப்பிட்டுக்காட்ட விண்ணப்பதாருக்கு வாய்ப்பளிக்கப்பட வேண்டும்.

(4) உரிமம் குறிப்பிடப்பட்டப் படிவத்திலும் குறிப்பிடப்பட்ட வரையறை மற்றும் நிபந்தனைகளுக்கும் உட்பட்டிருக்க வேண்டும்.

(5) இந்தப்பிரிவின் கீழ் உரிமத்திற்கானகட்டணம் ஆயிரம் ரூபாய் ஆகும்.

2பி. உரிமம் நிறுத்தி வைத்தல்.—இந்த சட்டத்தின் ஏதாவது ஏற்பாடுகள் அல்லது உரிமத்தின் ஏதாவது விதிமுறைகள் மற்றும் நிபந்தனைகளுக்கு முரண்பாடாக ஒரு உரிமதாரர் செயல்ப்பட்டதாக தகுந்த அதிகாரி திருப்தியுற்றால், இந்த சட்டத்தின் கீழ் உள்ள வேறு ஏதேனும் நடவடிக்கைக்குப் பாதகமில்லாமல் ஆணை வாயிலாக, அந்த ஆணையில் குறிப்பிட்டிருக்கிறபடி ஆறுமாதத்திற்கு அதிகமில்லாத கால அளவிற்கு அந்த உரிமத்தை நிறுத்திவைக்கலாம்:

எனினும் அவ்வித நிறுத்தலுக்கு எதிராகத் தனக்குரிய காரியத்தைச் சுட்டிக்காட்ட உரிமதாரருக்கு வாய்ப்பு அளிக்காமல் எந்த ஒரு உரிமமும் நிறுத்தி வைக்கப்படக் கூடாது.

2சி. துணை உரிமதாரர்களின் நியமனம்.—இந்த சட்டத்தின் நோக்கங்களுக்காக ஒரு உரிமதாரர் எழுத்துவடிவிலான ஆணை மூலமாக ஏதாவது நபரை ஒரு துணை உரிமதாரராக நியமிக்கலாம் மற்றும் அவர் அவ்வாறு நியமிக்கப்பட்டிருக்கிற வட்டாரப் பகுதியையும் விவரித்திருக்க வேண்டும்:

எனினும் இதன் பொருட்டு அரசால் அதிகாரப்படுத்தப்பட்ட அலுவலரால் மேலொப்பம் இடப்பட்டிருந்தால் அல்லாமல் அத்தகைய ஆணையும் செல்லுபடியாகாது."

7. <u>பிரிவு 3-ற்குப்பதிலாக புதிய பிரிவு இடப்படல்</u>.—முதற்சட்டத்தின் பிரிவு 3-ற்குப்பதிலாகப் பின்வரும் பிரிவு இடப்பட வேண்டும், அதாவது:—

"3. பச்சை முந்திரிக்கொட்டை கொள்முதல் செய்ய அதிகாரப்படுத்தப் பட்ட நபர்கள்:—(1) ஒரு உரிமதாரர் அல்லது துணை உரிமதாரர் அல்லது ஒரு முகவர் அல்லது துணை முகவர் தவிர வேறு எந்த நபருக்கும் ஒரு நபர் மாநிலத்திற்குள் பச்சை முந்திரிக்கொட்டை விற்கக் கூடாது மற்றும் ஒரு உரிமதாரர் அல்லது துணை உரிமதாரர் அல்லது ஒரு முகவர் அல்லது துணை முகவர் தவிர எந்த ஒரு நபரும் பச்சை முந்திரிக் கொட்டையை மாநிலத்திற்குள் கொள்முதல் செய்யக் கூடாது.

(2) மாநிலத்திற்குள் பச்சை முந்திரிக் கொட்டைகளை கொள்முதல் செய்யும் நோக்கத்திற்காக அரசு ஒரு முகவரை நியமிக்கலாம்.

(3) பிரிவு (2)-ன் கீழ் கூட்டுறவுச் சங்கத்தைத் தவிர எந்த ஒரு நபரும் முகவராக நியமிக்கப்படக் கூடாது."

8. பிரிவு 4-ன் திருத்தம்.—முதற் சட்டத்தின் பிரிவு 4-ல்,—

(எ) ஆரம்பப்பத்தியில் "முகவர்" என்ற சொல்லுக்குப்பதிலாக "ஒரு உரிமதாரர் அல்லது துணை உரிமதாரர் அல்லது முகவர்" என்ற சொற்கள் இடப்படவேண்டும்.

(பி) காப்பு வாசகம் விட்டுவிடப்படவேண்டும்.

9. பிரிவுகள் 5-ற்கும் 6-ற்கும் பதிலாகப் புதிய பிரிவுகள் இடப்படல்.—முதற் சட்டத்தின் பிரிவு 5-ற்கும் 6-ற்கும் பதிலாகப் பின்வரும் பிரிவுகள் இடப்பட வேண்டும், அவையாவன :—

"5. பச்சை முந்திரிக்கொட்டைக்குக் குறைந்த விலை செலுத்தப்படல்.—(1) துணைப்பிரிவு (2)-ன் கீழ் குறிப்பிடப்பட்டக் குறைந்த விலையை விடக் குறைவான விலையில் பச்சை முந்திரிக் கொட்டையை உரிமதாரர் அல்லது துணை உரிமதாரர் அல்லது முகவர் அல்லது துணை முகவர் கொள்முதல் செய்யக் கூடாது.

(2) துணைப்பிரிவு (1)-ன் நோக்கங்களுக்காக, அரசு அவ்வப்போது உகந்த தெனக் கருதும் விதத்தில் மாநிலத்தில் பல்வேறு பகுதிகளில் பச்சை முந்திரிக் கொட்டையின் குறைந்த விலையை அறிவிக்கை செய்யலாம்.

(3) இதன் சார்பில் அரசால் உண்டுபண்ணப்பட்ட தரம் சம்பந்தமான விதிகளுக்குட்பட்டு, முகவர் அல்லது துணை முகவர் ஏதாவது பயிர் செய்பவரால் அல்லது அவர் சார்பில் ஒப்படைக்கப்படும் பச்சை முந்திரிக் கொட்டையையும் குறைந்த விலைக்கு வாங்க மறுக்கக் கூடாது.

6. முகவர் உரிமதாரர்கள் மற்றும் துணை உரிமதாரர்கள் அறிக்கை சமர்ப்பித்தல்.—(1) முகவரும் ஒவ்வொரு உரிமதாரரும் அரசுக்கு மற்றும் அரசிதழ் அறிவிக்கை வாயிலாக இதன் பொருட்டு அரசால் குறிப்பிடப்பட்ட ஏதாவது அலுவலருக்குக் குறிப்பிடப்படும் நாளில் அல்லது நாட்களில் பச்சை முந்திரிக் கொட்டை அவரால் இருப்பு வைக்கப்பட்டிருக்கிற இடம் அல்லது இடங்கள், அதன் அளவு மற்றும் அதற்காக அவர் செலுத்திய விலை ஆகியவற்றைக் குறிப்பிட்டுள்ள ஒரு அறிக்கையினை உரிய படிவத்தில் சமர்ப்பிக்க வேண்டும்.

(2) ஒவ்வொரு துணை உரிமதாரரும் அரசிதழில் இது சம்பந்தமான அறிவிக்கை வாயிலாக அரசால் குறிப்பிடப்பட்ட ஒரு அலுவலருக்குக் குறிப்பிடப்பட்ட நாளில் ல்லது நாட்களில் பச்சை முந்திரிக் கொட்டை அவரால் இருப்பு வைக்கப்பட்ட இடம் அல்லது இடங்கள் மற்றும் அதன் அளவு ஆகியவ ைைக் காண்பிக்கக் கூடிய ஒரு அறிக்கையினை உரிய படிவத்தில் சமர்ப்பிக்க வேண்டும்."

10. பிரிவு 10-ன் திருத்தம்.—முதற் சட்டத்தின் பிரிவு 10-ல் உட்பிரிவு (பி)-ல் "பிரிவு 11-ன் ஏற்பாடுகள்" என்ற சொற்கள் மற்றும் எண்களுக்குப் பதில் "இதன்பொருட்டு அரசால் வழங்கப்பட்ட அறிவுரைகள்" என்ற சொற்கள் இ· ப்பட வேண்டும்.

11. பிரிவுகள் 11, 12 மற்றும் 13 விட்டுவிடல்.—முதற் சட்டத்தின் பிரிவுகள் 11, 12 மற்றும் 13 விட்டுவிடப்பட வேண்டும்.

12. பிரிவு 14-க்குப் பதிலாகப் புதிய பிரிவு இணைக்கப்படல்.—முதற் சட்டத்தின் பிரிவு 14-க்குப் பதிலாகப் பின்வரும் பிரிவு இடப்பட வேண்டும், அதாவது :—

"14. *பச்சை முந்திரிக் கொட்டை மாநிலத்திற்குள் பதிவுசெய்யப்பட்ட ஆலைகளில் பக்குவம் செய்யப்படல்.*—1948-ன் ஆலைகள் சட்டத்தின் (1948-ன் 63-வது மத்திய சட்டம்) கீழ் உண்டுபண்ணப்பட்ட விதிகளுக்கிணங்க மாநிலத்தில் பதிவு செய்யப்பட்டதும் அவர் அனுபோகத்தில் உள்ளதுமான ஒரு முந்திரி ஆலையில் அல்லாமல் ஒரு உரிமதாரர் அவரால் அல்லது அவர் சார்பில் மாநிலத்திற்குள் கொள்முதல் செய்யப்பட்ட பச்சை முந்திரிக் கொட்டையைப் பக்குவம் செய்யக் கூடாது.

<u>விளக்கம்.</u>—இந்தப் பிரிவின் நோக்கங்களுக்காக "பக்குவப்படுத்தல்" எனில் வறுத்தல், தோடு நீக்குதல், தோல் உரித்தல், தரம் பிரித்தல் எனப் பொருள்படும்."

13. <u>பிரிவு 15-ன் திருத்தம்.</u>—முதற்சட்டத்தின் பிரிவு 15-ல் காப்பு வாசகத்தில் "முகவர் அல்லது துணை முகவர்" என்ற சொற்களுக்குப் பதிலாக, "ஒரு உரிமதாரர் அல்லது ஒரு துணை உரிமதாரர் அல்லது ஒரு முகவர் அல்லது ஒரு துணை முகவர்" என்ற சொற்கள் இடப்பட வேண்டும்.

14. <u>பிரிவு 20-ன் திருத்தம்.</u>—முதற் சட்டத்தின் பிரிவு 20-ல் துணைப்பிரிவு (2)-ல், "பிரிவு 5-ன் துணைப்பிரிவு (2)-ன் கீழ் குறிப்பிடப்பட்ட மிகக் கூடிய விலையில்" என்ற சொற்கள், அடைப்புக் குறிகள் மற்றும் எண்கள் ஆகியவற்றிக்குப் பதிலாக "குறைந்த விலையில்" என்ற சொற்கள் இடப்படவேண்டும்

15. <u>பிரிவு 22-ன் திருத்தம்.</u>—முதற் சட்டத்தின் பிரிவு 22-ல் துணைப்பிரிவு (2)-ல்,—

(எ) "விலை செலுத்தப்படவேண்டும்" என்ற சொற்களுக்குப்பதிலாக "குறைந்த விலை செலுத்தப்படவேண்டும்" என்ற சொற்கள் இடப்பட வேண்டும் ;

(பி) "மற்றும் அத்தகைய விலை பிரிவு 5-ன் ஏற்பாடுகளுக்கிணங்க நிர்ணயிக்கப்பட வேண்டும்", எனும் சொற்களும் எண்ணும் விட்டுவிடப்பட வேண்டும்

16. <u>இரத்தாதலும் காப்பும்.</u>—(1) 1983-ன் கேரள பச்சை முந்திரிக் கொட்டை (கொள்முதல் மற்றும் விநியோக) திருத்த அவசரச் சட்டம் (1983-ன் 7) இதனால் ரத்து செய்யப்படுகிறது.

(2) அவ்வாறு ரத்து செய்யப்பட்ட போதிலும் மேற்சொன்ன அவசரச் சட்டத்தினால் திருத்தப்பட்ட முதற்சட்டத்தின் கீழ் உண்டுபண்ணப்பட்ட ஏதேனும் காரியம் அல்லது மேற்கொள்ளப்பட்ட ஏதேனும் செயல் இந்தச் சட்டத்தினால் திருத்தப்பட்ட முதற்சட்டத்தின் கீழ் உண்டுபண்ணப்பட்டிருப்பதாக அல்லது மேற்கொள்ளப்பட்டிருப்பதாகக் கருதப்படும்.

GOVERNMENT OF KERALA

Water and Power (Electricity-A) Department

NOTIFICATION

No. 38658/ELA2/83/W&P. *Dated, Trivandrum, 20th December* 1983.

S.R.O. No. 39/84.—Whereas Shri V. Sukumaran Nair, Accounts Member, Kerala State Electricity Board has been deputed to Montreal, Canada, for attending the training programme between the 27th November, 1983 to 6th March, 1984;

Now, therefore, in exercise of the powers conferred by section 11 of the Electricity (Supply) Act 1948, (Central Act 54 of 1948), the Government of Kerala, hereby appoint Shri C. Dwarakanath, Technical Member, Kerala State Electricity Board to officiate for the Accounts Member and carry out his functions under the Act or any rule or regulation made thereunder, in addition to his own function as Technical Member of the Board till the date on which Sri V. Sukumaran Nair, Accounts Member, rejoins duty on the expiry of the period of his deputation.

By order of the Governor,
G. Gopalakrishna Pillai,
Secretary to Government.

Explanatory Note

(This note is not part of the notification, but is intended to indicate its general purport).

Sri V. Sukumaran Nair, Accounts Member, Kerala State Electricity Board has been deputed to Montreal, Canada, for attending a training programme between the 27th November, 1983 to 6th March, 1984. During the period of his deputation abroad Govt. have entrusted his functions as Accounts Member to Sri C. Dwarakanath, Technical Member, Kerala State Electricity Board in addition to his own functions as Technical Member till the date on which Sri Sukumaran Nair rejoins duty. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt.) No. 1166/83/LBR. *Dated, Trivandrum, 11th October* 1983

S. R. O. No. 40/84.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala, in consultation with the Employees' State Insurance Corporation, hereby exempt M/s. P. S. Noormuhammed and Son, No. 6 Beedi Dealers, Sultanpet, Palghat I from the operation of the provisions of the said Act for a period of one year from the 1st day of June 1978 subject to the following conditions, namely :—

1. The establishment shall maintain a register showing the names and designations of its employees ;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;

3 The contribution for the exempted period, if already paid, shall not be refunded ;

4. The establishment shall submit in respect of the period during which it was subject to the operation of the said Act, (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

5. Any Inspector appointed by the Corporation under subsection (1) of section 45 of the said Act, or other official of the Gorporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notification ; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said establishment be empowered to—

(a) require the establishment to furnish to him such information as he may consider necessary ; or

(b) enter any factory, establishment, office or other premises occupied by the said establishment at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or

(c) examine the officers of the establishment or the servants, of the said establishment or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account book or other documents maintained in such office or other premises of the said establishment.

By order of the Governor,

U. Mahabala Rao,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G. O. Rt. 1128/81/LBR dated 29-7-1981 exemption was granted to M/s. P. S. Noormuhammed and Son No. 6 Beedi Dealers Sultanpet Palghat I for a period of one year from 30-5-1977. M/s. Noormuhammed & Son again requested for exemption for a period of 3 years from . 1-6-1978. Government after consulting the Regional Director, Employees State Insurance Corporation, Trichur, Placed the matter in the 35th Regional Board Meeting and the board recommended exemption. Government accepted the recommendation and decided to grant exemption for a period of 1 year from 1-6-1978. This notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Law Department (Inspection Wing)

NOTIFICATION

No. 52/B2/84/Law.

Dated, Trivandrum, 2nd January 1984.

S. R. O. No. 41/84.—In pursuance of Section 6 of the Notaries Act, 1952 (Central Act 53 of 1952) read with rule 18 of the Notaries Rules, 1956, the Government of Kerala hereby publish the list of Notaries appointed by the Government and in practice on 1-1-1984.

Sl. No.	*Name of Notary*	*Residential/ Professional address*	*Qualifications*	*Area in which he is authorised to practice*
(1)	(2)	(3)	(4)	(5)
1	Shri G. Krishnan Nair	G. Krishnan Nair, Advocate, Trivandrum	Advocate	Revenue District of Trivandrum
2	„ K. Bhuvanendran	K. Bhuvanendran, Advocate, Attingal	do.	do.
3	„ B. Rajaraman Nair	B. Rajaraman Nair, Advocate, "Srikrishna", Fort, Trivandrum	do.	do.
4	„ P. C. Koshy	P. C. Koshy, Advocate, Trivandrum	do.	do.
5	„ S. Syed Ahamed	S. Syed Ahamed, Advocate, T.C. 49/817, Manacaud, Trivandrum-9	do.	do.
6	„ Vellarada S. Viswanathan	Vellarada S. Viswanathan, Advocate, Trivandrum	do.	do.

(1)	(2)	(3)	(4)	(5)
7	Shri N. Krishnankutty	N. Krishnankutty, Advocate, Trivandrum	Advocate	Revenue District of Trivandrum
8	,, T. K. Thomas	T. K. Thomas, Advocate, Vanchiyoor, Trivandrum	do.	do.
9	,, K. Hariharakrishna Iyer	K. Hariharakrishna Iyer, Advocate, Trivandrum	do.	do.
10	,, K. Kesavan Nadar	K. Kesavan Nadar, Advocate, 'Lotus Villa', Convent Road, Neyyattinkara	do.	Neyyattinkara Taluk in the Revenue District of Trivandrum.
11	,, G. Vishnu Das	G. Vishnu Das, Advocate, T. C. No. 28/506. Malloor Road, Vanchiyoor, Trivandrum	do.	City [of Trivandrum in the Revenue District of Trivandrum.
12	,, K. P. Rajendran	K. P. Rajendran, Advocate, Trivandrum	do.	Revenue District of Trivandrum.
13	,, C. P. Parameswaran Pillai	Cherur C. P. Parameswaran Pillai, Advocate, Cutcherry Ward, Quilon-13	do.	Revenue District of Quilon
14	,, P. R. Bhaskaran Nair	P. R. Bhaskaran Nair, Advocate, Kottarakkara	do.	do.
15	,, Cherian J. Panjikaran	Cherian J. Panjikaran, Advocate, Punalur	do.	do.
16	,, C. M. Idiculla	G. M. Idiculla, Advocate, Pathanamthitta	do.	Revenue District of Pathanamthitta.
17	,, K. N. Ravindranath	K. N. Ravindranath, Advocate, Kulangara Veedu, Mundakkal, Quilon	do.	Revenue District of Quilon

18	,, N. Mahadevan	N. Mahadevan, Advocate, Quilon	do.	do.
19	,, J. Jacob	J. Jacob, Advocate, Quilon	do.	do.
20	,, V. Karunakaran	V. Karunakaran, (Ex-Captain) Advocate, Radha Bhavan, Kavanad P.O., Quilon.	do.	do.
21	Smt. Jameela Ibrahim	Jameela Ibrahim, Advocate, Jami Manzil, T.B. Road, Quilon-1	do.	do.
22	Shri M. Meetheen Kunju	M. Meetheen Kunju, Advocate, Kulathintekizhakkethil Kottinattu House, Prayar South, Alumpeedika P.O., Karunagappally	do.	Karunagappally Taluk in the Revenue District of Quilon
23	Smt. Savithri	Smt. Savithri, Advocate, Quilon	do.	Revenue District of Quilon
24	Shri N. Gopalakrishnan Nair	N. Gopalakrishnan Nair, Advocate, Kaippallil Veedu. Edamulackal P. O., Punalur	do.	do.
25	Shri K.P. Chellappan Nair	K.P. Chellappan Nair, Advocate, Kallelil, Alleppey	do.	Revenne District of Alleppey
26	,, Pallickal K. Raghavan Pillai	Pallickal K. Raghavan Pillai, Advocate 'Ushus', Mavelikkara	do.	do.
27	,, N. Narayanaswamy	N. Narayanaswamy, Advocate, Jetty Road, Alleppey	do.	do.
28	,, C. K. Parameswara Panicker	C. K. Parameswara Panicker, Advocate, Krishna Vilas, Mullakkal, Alleppey	do.	do. including port limits of Alleppey

(1)	(2)	(3)	(4)	(5)
29	Shri K. J. Varughese	K. J. Varughese, Advocate, Mavelikara	Advocate	Revenue Sub District of Chengannur
30	,, K. K. Kuncheria	K. K. Kuncheria, Advocate, Alleppey-1	do.	Revenue District of Alleppey
31	,, V. J. Antony	V. J. Antony, Advocate, Kulangarayil House, Sanathanam Ward, Alleppey	do.	do.
32	,, E. V. Janardhanan Pillai	E.V. Janardhanan Pillai, Advocate Alleppey	do.	do.
33	,, Ninan Philip	Ninan Philip, Advocate. Thiruvalla	do.	Area comprising the taluk of Thiruvalla in the Revenue District of Pathanamthitta
34	,, K. I. Ninan	K. I. Ninan, Advocate, Kudakasseril Buildings, K. K. Road, Kottayam	do.	Revenue District of Kottayam
35	,, A. Z. Jacob	A. Z. Jacob, Advocate, Kottayam-2	do.	do.
36	,, K. T. Thomas	K. T. Thomas, Advocate, Ponkunnam	do.	do.
37	,, V. C. Emmanuel	V. C. Emmanuel, Advocate, Kottayam	do.	do.
38	,, Joy Joseph	Joy Joseph, Advocate, Kottayam	do.	do.
39	Smt. N. Subhadra Amma	N. Subhadra Amma, Advocate, K. M. C. XII/397, Kottayam Municipal Town, Kottayam-1	do.	do.

40	Shri V. T. Varkey	V. T. Varkey, Advocate, Vellathottam, Palai	do.	Revenue District of Kottayam with Headquarters at Palai
41	,, K. Swaminathan Pillai	K. Swaminathan Pillai, Advocate, Kottayam-2	do.	Revenue District of Kottayam
42	,, P. S. Rajan	P. S. Rajan, Advocate, Changanacherry	do.	do.
43	,, V. J. Xavier	V. J. Xavier, Advocate, Vadakkayil, Palai	do.	Meenachil Taluk in the Revenue District of Kottayam
44	,, A. J. Dominic	A. J. Dominic, Advocate Kudakkasseril Buildings, Kottayam	do.	Revenue District of Kottayam
45	,, K. Kurian Joseph	K. Kurian Joseph, Advocate, High Court, Banerji Road, Cochin-11	do.	Revenue District of Ernakulam including Port limits of Cochin
46	,, Thomas, V. Jacob	Thomas, V. Jacob, Advocate, Ernakulam	do.	Revenue District of Ernakulam including Cochin, Ernakulam and Alwaye
47	,, Vallabhdas Kesavji Parekh	V. K. Parekh, Advocate, New Road, Cochin	do.	Area comprising the Corporation of Cochin including Port limits of Cochin
48	,, S. Parameswaran	S. Parameswaran, Advocate, 36/573, Chittoor Road, Cochin-11	do.	Revenue District of Ernakulam

(1)	(2)	(3)	(4)	(5)
49	Shri R. G. Dias	R. G. Dias, Advocate, XXXVII/1047, Market Road, Cochin-11	Advocate	Revenue District of Ernakulam
50	,, B. S. Krishnan	B. S. Krishnan, Advocate, Kailas Annex, Warriam Road Ernakulam, Cochin	do.	Revenue District of Ernakulam including the Port limits of Cochin
51	,, A. K. Avirah	A. K. Avirah, Advocate, E. R. G. Road, Cochin-11	do.	Area within the limits of City of Cochin
52	,, B. Gopala Menon	B. Gopala Menon, Advocate, Perumthitta Madom, North Parur	do.	Area comprising the Parur Taluk and the Villages of Palli Port and Kuzhippilly of Cochin Taluk in the Revenue District of Ernakulam
53	,, K. K. George (Term expired on 16-11-1983 File for extension is under submission)	K. K. George, Advocate, Perumbavoor	do.	Perumbavoor Taluk in the Revenue District of Ernakulam
54	Shri N. M. Mani	N. M. Mani, Advocate, Nattasseril, Tower Road, Fort Cochin-682001	do.	Fort Cochin in the Revenue District of Ernakulam
55	,, K. Sikhivahanan	K. Sikhivahanan, Advocate. Cochin-682001	do.	Corporation of Cochin in the Revenue District of Ernakulam

56	,,	K. Raman	K. Raman, Advocate, High Court, Vrindhavan, Cochin-11	do.	Revenue District of Ernakulam
57	,,	E. R. Venkiteswaran	E. R. Venkiteswaran, Advocate, Menon & Pai, Advocates, Cochin-682016	do.	Ernakulam and Willington Island in the Revenue District of Ernakulam
58	,,	Nelloor Mathew	Nelloor Mathew, Advocate, Muvattupuzha	do.	Revenue District of Ernakulam
59	,,	A. G. Augustine	A.G. Augustine, Advocate, Ernakulam, Cochin-682 018	do.	Area constituting the City of Cochin in the Revenue Disirict of Ernakulam
60	,,	P.M. Mohammed Ali	P.M. Mohammed Ali, Advocate, Alwaye, U.C. College P. O.	do.	Alwaye, Parur and Kunnathunad Taluks in the Revenue District of Ernakulam
61	,,	A. Shahul Hameed	A. Shahul Hameed, Advocate, 37/983, St. Albert's High School Lane, Ernakulam, Cochin-31	do.	Revenue District of Ernakulam
62	,,	K. N. Narayana Kaimal	K. N. Narayana Kaimal, Advocate, Valanjambalam, Ernakulam, Cochin-16	do.	City of Cochin in the Reveune District of Ernakulam
63	,,	P. Gopalakrishnan Nair	P. Gopalakrishnan Nair, Advocate, High Court, Ernakulam	do.	City of Cochin in the Revenue District of Ernakulam
64	,,	D. Peethambaran	D. Peethambaran, Advocate, Chittoor Road, Ernakulam	do.	Revenue District of Ernakulam

(1)	(2)	(3)	(4)	(5)
65	Shri P. R. Damodaran Pillai	P. R. Damodaran Pillai, Advocate, Alwaye	Advocate	Alwaye Taluk and the Village of Airoor in North Parur Taluk in the Revenue District of Ernakulam
66	,, C. V. Paul	C. V. Paul, Advocate, Ayyanthole, Trichur	do.	Revenue District of Trichur
67	,, C. K. Sreenivasan	C. K. Srinivasan, Advocate, Trichur-3	do.	do.
68	,, C. Itty Abraham	C. Itty Abraham, Advocate, Trichur-3	do.	do.
69	,, O. P. Rappai	O. P. Rappai, Advocate, Erinjeri, Angadi, Trichur	do	do.
70	,, M. P. John	M. P. John, Advocate, Eravath Lane, 4/299, Muspet Road, Trichur	do	do.
71	Smt. Teresa Antony	Teresa Antony, Advocate, Velukaran Lane, East Fort, Trichur-5	do.	do.
72	Shri. E. S. Velayudhan	E. S. Velayudhan, Advocate, Trichur-3	do.	do.
73	,, C. I. Jacob	C. I. Jacob, Advocate, Kunnamkulam	do.	Thalappally and Chavakad Taluks in the Revenue District of Trichur
74	,, C. K. Rajan	C. K. Rajan, Advocate, Raj Bhavan, Irinjalakuda	do.	Revenue District of Trichur
75	,, Palazhi Gopinatha Menon	Palazhi Gopinatha Menon, Advocate, Irinjalakuda	do.	do.
76	,, K. V. Thomas	K. V. Thomas, Advocate, Chalakudy	do.	Mukundapuram Taluk in the Revenue District of Trichur

77	,,	P. Ramadas	P. Ramadas, Advocate. Thekkekurupath, Kurunpam Road, Trichur-1	do	Trichur Municipal area in the Revenue District of Trichur
78	,,	Andrews Mathew	Andrews Mathew, Advocate, 'Hope Lodge', Pavaratty via Chavakkad	do.	Taluk of Chavakkad in the Revenue District of Trichur
79	,,	M. A. Chakrapani	M. A. Chakrapani, Advocate, Kodungallur	do.	In the area comprising the Revenue District of Trichur.
80	,,	V. Sreedharan Nair	V. Sreedharan Nair, Advocate, Calicut	do.	Revenue District of Kozhikode
81	,,	T. C. Sekhara Panicker	T. C. Sekhara Panicker, Advocate, Badagara	do.	Badagara Taluk in the Revenue District of Kozhikode
82	,,	S. V. Usman Koya	S. V. Usman Koya, Advocate, Moochingal House, Vellayil, Kozhikode	do.	Corporation of Calicut
83	,,	C. E. V. Mammukoya	C. E. V. Mammukoya, Advocate, Calicut	do.	Calicut City of Kozhikode District
84	,,	Karunan Kuruvath	Karunan Kuruvath, Advocate, Leela Bhavan, Chalappuram, Calicut-2	do.	Revenue District of Kozhikode and Wynad
85	,,	M. K. Prabhakaran	M. K. Prabhakaran, Advocate, Geethalayam, Badagara	do.	Badagara Taluk in the Revenue District of Kozhikode
86	,,	P. C. Ramachandra Menon	P. C. Ramachandra Menon, Advocate, Calicut-2	do.	Revenue District of Kozhikode
87	,,	K. P. Balakrishnan Nair	K. P. Balakrishnan Nair, Advocate, Perambra	do.	Quilandy Taluk in the Revenue District of Kozhikode
88	,,	C. J. John Robin	C. J. John Robin, Advocate, Calicut	do.	Revenue District of Kozhikode

(1)	(2)	(3)	(4)	(5)
89	Shri M. V. Velayudhan	M. V. Velayudhan, Advocate, Manjeri	Advocate	Revenue District of Malappuram
90	" O. M. Abraham	O. M. Abraham, Advocate, Manjeri	do.	Taluk of Manjeri in the Revenue District of Malappuram
91	" N. R. Ramanathan	N. R. Ramanathan, Advocate, Enarar Associates, "Lekshmi", P. B. No. 11, Manjeri-676121	do.	Revenue District of Malappuram
92	" K. Chandrasekharan	K. Chandrasekharan, Advocate, Kalpetta North, Wythiri Taluk, Wynad District	do.	Wynad District
93	" V. P. Chathukutty	V. P. Chathukutty, Advocate, Manantoddy	do.	North Wynad Taluk
94	" K. S. Rajan	K. S. Rajan, Advocate, Down Bazar, Manantoddy P. O., Kozhikode District	do.	do.
95	" V. A. Mathai	V. A. Mathai, Advocate, Kalpetta	do.	Kalpetta Town in the Revenue District of Wynad
96	" A. Gouri Sankar	A. Gouri Sankar, Advocate, Lakshmi Nivas, College Road, Palghat	do.	Revenue District of Palghat
97	" P. S. Venkita Subramaniam	P. S. Venkita Subramaniam, Vakil, Palghat	do.	do.
98	" C. S. Nedungadi	C. S. Nedungadi, Advocate, "Greenfields", Ottappalam	do.	do.
99	" N. P. Balachandran	N. P. Balachandran, Advocate, Nellicherry, Palghat-12	do	do.

100	,,	K. S. Umamaheswara Iyer	K. S. Umamaheswara Iyer, Advocate, Payyannoor, Cannanore	do.	Revenue District of Cannanore
101	,,	K. Balakrishnan	K. Balakrishnan, Advocate, Tellicherry	do.	Revenue District of Cannanore
102	,,	K. V. Divakaran	K. V. Divakaran, Advocate, Court Road, Tellicherry-1	do.	Tellicherry Taluk in Cannanore District
103	,,	C. L. Mahin	C. L. Mahin, Advocate, Kasaragod	do.	Kasaragod and Hosdurg taluks in the Revenue District of Cannanore
104	,,	K. U. Narayana Poduval	K. U. Narayana Poduval, Advocate, Payyannur	do.	Payyannur Panchayat in the Revenue District of Cannanore
105	,,	P. M. Skaria	P. M. Skaria, Advocate, Idukki Road, Thodupuzha	do.	Revenue District of Idukki

By order of the Governor,

K. NARAYANAN,

Deputy Secretary to Government.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Departmen.

NOTIFICATION

G. O. (Ms.) No. 241/83/LA&SWD. *Dated, Trivandrum, 29th December* 1983.

S. R. O. No. 42/84.—In exercise of the powers conferred by sub-section (i) of section 142 of the Kerala Panchayats Act, 1960 (32 of 1960), and at the request of the Mattool Panchayat contained in its resolution No. 177/80 dated the 10th November, 1980 the Government of Kerala hereby declare that the provisions of the law relating to the Municipalities mentioned in the Schedule below, shall be extended to, and be in force, in the Mattul Panchayat in Cannanore District with effect on and from the 15th February 1984.

SCHEDULE

Clauses (3), (4), (16), (28), (30), (33) and (39) of section 3, provisions of Chapters IX and X, sections 347, 349, 350, 355, 359, 363, 364 and 365 in so far as they relate to matters specified in Chapters IX and X of the Kerala Municipalities Act, 1960 (14 of 1961), and the provisions regarding penalties specified in schedules V and VI of the said Act, for contravention of sections 196, 197, 202, 204, 205, 207, 209 to 213, 215, 216, 218 to 221, 224 to 227, 245 and 363 thereof and the Kerala Municipal Building Rules, 1968.

By order of the Governor,
V. R. PADMANABHAN,
Joint Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Mattool Panchayat in Cannanore District has resolved to enforce in its area, certain provisions of Kerala Municipalities Act, 1960 and the Municipal Building Rules, 1968 in order to bring some control over the constructions made within the Panchayat area. The Director of Panchayats after consultation with the Chief Town Planner, has recommended the proposal.

Government are pleased to accept the proposal and this notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G.O. (Ms) No. 218/83/LA&SWD. *Dated, Trivandrum, 29th November* 1983.

S.R.O. No. 43/84.—Under subsection (5) of section 14 of the Madras Town Planning Act, 1920 (Madras Act VII of 1920), the Government of Kerala hereby notify that under subsection (3) of the said section the Government have sanctioned the Development Plan (General Town Planning Scheme) for Tellicherry Town. The Government Order sanctioning the Development Plan is hereby published as required by subsection (5) of the said section. The scheme will be open to inspection of the public at the Municipal Office, Tellicherry during office hours for a period of one month from the date of publication of this Notification in the Gazette.

By order of the Governor,
M. S. K. RAMASWAMY,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

The Chief Town Planner has forwarded a draft Development Plan for Tellicherry Town for Government sanction under section 14 (3) of Madras Town Planning Act, 1920. Government have examined the Plan in detail and are pleased to accord sanction for the Development Plan and notify the same as required under section 14 (5) of the said section. The notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Abstract

DEVELOPMENT PLAN (GENERAL TOWN PLANNING SCHEME FOR TELLICHERRY TOWN—SANCTION ACCORDED

LOCAL ADMINISTRATION & SOCIAL WELFARE (G) DEPARTMENT

G. O. (MS.) No. 218/83/LA & SWD. *Dated, Trivandrum, 29th November,* 1983.

Read:—1. Letter No. C1/1311/78 dated 3-12-1981 from the Chief Town Planner, Trivandrum,

ORDER

The Chief Town Planner has forwarded the draft Development Plan (General Town Planning Scheme) for Tellicherry Town along with the draft reports and maps as per rule 29 under section 14 of the Madras Town Planning Act, 1920 for sanction of Government.

Government have examined the matter in detail and hereby sanction the Development Plan (General Town Planning Scheme) for Tellicherry Town under section 14 (3) of the Madras Town Planning Act, 1920.

A copy of the Scheme map duly signed, is forwarded to the Chief Town Planner and a copy to the Municipal Commissioner, Tellicherry. The Municipal Council will send copies of the plan and reports to the various Departments and agencies responsible for the implementation of the plan.

By order of the Governor,

M. S. K. RAMASWAMY,

Commissioner and Secretary to Government.

GOVERNMENT OF KERALA

Abstract

KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965 — ENFORCEMENT IN SREEKANTAPURAM PANCHAYAT— ORDERS ISSUED

PUBLIC WORKS (E) DEPARTMENT

G. O. (Ms) 146/83/PW. *Dated, Trivandrum, 16th December* 1983.

NOTIFICATIONS

(i)

S. R. O. No. 44/84.—Whereas the Sreekantapuram Panchayat has in its resolution No. 333 dated the 9th December, 1981 requested that the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) shall be applied to that Panchayat area ;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 1 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby apply all the provisions of the said Act to the Sreekantapuram Panchayat area in the Cannanore District with effect from the date of publication of this notification in the Gazette.

(ii)

S. R. O. No. 45/84.—In exercise of the powers conferred by sub-section (1) of section 3 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby appoint the Munsiff, having jurisdiction over the Sreekantapuram Panchayat area in the Cannanore District, to be the Rent Control Court for the said area, with effect from the date of publication of this notification in the Gazette.

(iii)

S. R. O. No. 46/84.—In exercise of the powers conferred by sub-section (2) of section 3 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby appoint the Tahsildar, having jurisdiction over the Sreekantapuram Panchayat area in the Cannanore District, to be the Accommodation Controller for the said area, with effect from the date of publication of this notification in the Gazette.

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(iv)

S. R. O. No. 47/84.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 18 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby confer on the Subordinate Judge or the Principal Subordinate Judge, as the case may be, having jurisdiction over the Sreekantapuram Panchayat area in the Cannanore District, the powers of the Appellate Authority for the purposes of the said Act in the said area with effect from the date of publication of this notification in the Gazette.

By order of the Governor,
C. K. K. PANICKER,
Secretary to Government.

Explanatory Note

(This does not form part of the above notifications, but is intended to indicate their general purport).

The Sreekantapuram Panchayat in the Cannanore District has in its resolution No. 333 dated the 9th December, 1981 requested Government to extend the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) to its area. Under section 1 (3) of the said Act, Government can extend the provisions of the Act to any area of the State by a notification in the Gazette, provided that such notification shall be supported by a resolution passed by the local authority of the area affected by the notification. The above notifications are to achieve the above purpose and issued on the request of the Panchayat concerned.

GOVERNMENT OF KERALA

Taxes (E) Department

NOTIFICATION

G. O. (MS) No. 4/84/TD. *Dated, Trivandrum, 3rd January,* 1984.

S. R. O. No. 48/84.—In exercise of the powers conferred by section 5 of the Registration Act. 1908 (Central Act 16 of 1908), the Government of Kerala hereby make the following amendments to their notification No. G. O. MS. 29/78/TD dated the 8th March, 1978 published as S.R.O. No. 646/78 at page 1 to 102 of section IV of Part I of Kerala Gazette No. 27 dated the 4th July, 1978, as subsequently amended, namely:—

AMENDMENTS

In the Schedule to the said notification, in the entries relating to Quilon Registration District,—

(a) for item "3A. Kilikolloor" in column (2) and the entries against it in columns (3) and (4), the following item and entries shall be substituted, namely:—

"3A. Kilikolloor	Quilon	Kilikolloor
	do.	Kottamkara (excluding Kundara Perumpuzha and Punukannur Karas);

(b) for item "7. Kundara" in column (2) and the entries against it in columns (3) and (4), the following item and entries shall be substituted, namely:—

"7. Kundara	Quilon	Mulavana
	do.	Perinad (Kundara, Perumpuzha and Punukannur Karas of Kottamkara Village".

The above amendments shall come into force with effect from first day February of 1984.

By order of the Governor,

U. MAHABALA RAO,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Government have been receiving many representation requesting for the realignment of Perumpuzha, Kundara and Punukannur Karas of Kottamkara Village under the Jurisdiction of Sub Registry Office, Kundara. Government have considered such representations with reference to the convenience of the registering public and have decided to include the above Karas under the jurisdiction of Sub Registry Office, Kundara. The notification is intended to achieve this object.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

SUPPLEMENTS

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PART I

CONTENTS

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1000|83|LBR. *Dated, Trivandrum, 1st September* 1983.

The award of the Industrial Tribunal Alleppey in respect of the dispute between M|s. St. Peter's Engineering Industries, Chullikkal, Cochin-5 and their workmen represented by the General Secretary, Cochin City Minor Engineering Workers' Union, (CITU), Panayappilly, Cochin-2 received by Government on 8-8-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

K. SIVADASAN,

Deputy Secretary to Government.

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY

(Dated this the 30th day of July, 1983)

Present

SRI K. KANAKACHANDRAN,

Industrial Tribunal

INDUSTRIAL DISPUTE No. 32|82

Between

M|s St. Peter's Engineering Industries, Chullikkal, Cochin-5.

And

The Workmen of the above concern represented by the General Secretary, Cochin City Minor Engineering Workers' Union, (CITU), Panayappilly, Cochin-2

Representations:—

Sri Alexander Skaria, Advocate, Cochin-1. — *For Management*

Sri K. Janardhanan, Advocate, Ernakulam. — For Union

Sri A. X. Varghese & K. S. Madhushoodhanan, Advocates, Fort Cochin. — *For Workmen*

AWARD

The issues referred for adjudication in this dispute are demand for wage increase and Bonus and subsequent closure of the establishment.

2. The cause of the workmen in the management establishment was espoused by the Cochin City Minor Engineering Workers Union (CITU). After the reference of the dispute for adjudication, a counsel was also engaged by the union for prosecuting the case before this Court. The union filed the claim statement and afterwards started oral evidence also by examining two workers as WW1 and WW2. After the examination of these two witnesses, at the request of the counsel appearing for both sides, the case was adjourned for the settlement of issues between the parties. After seeking four adjournments, the counsel for the union submitted that the workers concerned in the dispute were not agreeing with the union to settle the issues with their employer. In that circumstance the counsel for the union Sri K. Janardhanan had submitted that the union was not interested in pursuing with the case. The counsel appearing for the Union had relinquished the vakalath also. Then after, the union was declared ex parte for their non appearance. After these developments, the case was adjourned enabling the workmen concerned to prosecute the case further in view of the fact that all the 4 workmen whose names were mentioned in the claim statement (filed by the union) appeared before this Court and prayed for time for engaging a new counsel and for prosecuting the case further. Then after a new counsel appeared for the workmen concerned in the dispute. But he was not representing the union.

3. The evidence on the part of workmen continued by the examination of one T. C. Sebastian as WW3. The name of WW3 had been cited in the witness list filed by the union earlier. A petition was moved before this Court later permitting the workmen to examine one more witness viz., C. X. Nelson, who was also a worker in the management establishment. Although opportunity was given to examine that witness also, but it was not availed. In that circumstance this Court ordered the closing of evidence on the side of workmen. Then after the Proprietor of the management concern was examined before this Court. On the date of examination of management witness on 3-3-1983, neither the counsel nor the workmen were present.

Despite this, when an application was filed by the counsel appearing for the workmen on 9-3-1983 to allow him to cross-examine the management witness after his recalling, the same was allowed. Thus opportunity was given to cross-examine MW1. I am narrating all these details only to show the reckless manner in which this dispute was being prosecuted by the workmen after the withdrawal of the union from the field.

4. Coming to the respective claims made by the parties in this case it is not in dispute that the establishment was closed as early as on 26-8-1980. In the claim statement filed by the union there is no specific plea with regard to the period for which Bonus was claimed and the rate of Bonus claimed. The quantum of wage increase demanded is also not specifically pleaded in the claim statement. But those details came to light only when WW1 was examined. Ext. W1 is a copy of charter of demands submitted by the union to the management establishment on 15-6-1980. It can be seen from Ext. W1 that the union had demanded 50% increase in wages. The demand for bonus was also at 20%. Although the details regarding wage increase and quantum of bonus demanded are contained in the charter of demands submitted by the union, the very same union which espoused the cause of the workmen is no longer a participant in this adjudication process. From the dispute they had practically withdrawn. Therefore no sanctity could be attached to the claim statement filed by the union as also the charter of demands submitted by the union. After the withdrawal of the union from the adjudication process no attempt was made by the workmen concerned in the dispute to file fresh claim statement before this Court. Therefore I am concerned here only with the sworn statement given by the workmen before this Court when they were examined. Surprisingly there is no mention about the rate of wage increase they want as also the quantum of bonus they claim. All the three workmen examined before this court were only anxious in getting back their job. The workmen had put up a case that after the closure of the establishment the machineries were shifted to a place near the residence of the employer and he is still running the establishment on a profitable basis with some former workers as also with some new workers.

5. In the written statement it is contended that it would be a misnomer to characterise the employer in this dispute with the term "management" in view of the fact that it is owned by a sole Proprietor. C. S. Manuel is the Proprietor, Manager and worker of the establishment which is styled as St. Peter's Engineering Industry. By way of self-employment he started a workshop for undertaking repairs of various machineries. Equipments required for that purpose were acquired by him on bank credit. The machineries were housed in a small rented room for which he was paying Rs. 40 per month. No regular workers were employed by him and only when work loads were more, some casual labourers were engaged on daily wages. Those casual labourers were unskilled. The substantial work in the workshop was being done by him. Some of the workmen began to make unreasonable

demands for higher wages. They also resorted violence and intimidation. When un-reasonable demands mount up, a situation came where no employer could run an establishment. The customers began to flee and that resulted in the reduction of work. In that un-controllable situation the employer was constrained to close the establishment on 26-8-1980. It is also denied in the written statement the allegation that a new establishment was started near to his residence after the shifting of the machineries from the workshop. The case putforward by the workmen that they were working in the establishment for more than 10 years is also disputed.

6. While going through the evidence, the case putforward by the employer as such cannot be accepted since the nature of employment in the workshop was not at all in the manner as stated by the employer. Out of 4 workers, three of them were examined before this Court. They are P. A. Sabastian, T. C. Sabastian and Jacob. Although opportunity was given to the other workmen N. X. Nelson, he was not present for tendering evidence. But his ease was also spoken to by other workmen when they were examined. Therefore the position as per the evidence tendered by the workmen is that WW1 P. A. Sabastian was having 14 years of service and his daily wage was Rs. 11.50 at the time of closure of establishment. WW2 Jacob was a Turner. He had also 14 years of service at the time of closure and was getting Rs. 11.50 per day. T. C. Sabastian, WW3 had to his credit 12 years of service and he was getting a daily wage of Rs. 10.50 at the time of closure. WW1 has stated that the fourth workmen viz., Nelson was having 7 years of service and he was getting Rs. 5 per day at the time of closure. But according to WW2, Nelson was having only 6 years of service and the daily wage he was receiving was Rs. 5. The testimony given by WW2 seems to be more correet since the same details were given by the union in the claim statement filed by them also. In the absence of evidence to the contrary, I have to accept the wages and service details of each workman as testified them.

7. Although the employer repudiated the claims of the workmen regarding the nature of their employment, Ext. W4 will give a different picture. Ext. W4 is a group photograph showing the employer and some of the workmen. All the four workmen could be identified from Ext. W4 photograph when they were present before this court. Since I am personally convinced, I hold the view that these four workmen were employed by the employer. The service details and the wages received by each workman are not controverted by the employer in any manner. Therefore I am accepting the evidence tendered by the workmen in the matter of service details and the wages received by them at the time of closure of the establishment.

8. As already stated no evidence is forthcoming to show for which year bonus was demanded by the workmen. The demand for bonus and wage increase were espoused by the union. As already stated the union

is no longer in the picture now. The workmen had not filed any separate independent statement on the question of wage increase and bonus. Therefore I am refraining from making any attempt to adjudicate on the above issues. It is an undisputed fact that the establishment was closed on 26-8-1980. Ext. W1 demand was made by the union itself just before two months. The workmen had not made any claim for wage increase with retrospective effect also. Therefore I need only to adjudicate whether the closure was on valid grounds and if it was on valid grounds what should be the compensation to which the workmen are entitled.

9. While going through the evidence of MW1 as also the pleadings, it can be gathered that there was a situation where the continued running of the workshop was an impossible affair. The workers seems to be very adamant and hostile. The version given by the employer on the behaviour of the workmen is more vindicated when we had occasion to know their approach to the union which espoused their own cause.

10. The workmen had put up a case that in order to defeat the claims of the workmen, the establishment was closed by the employer. The legality of the closure can be put to judicial scrutiny only if evidence is forthcoming to show that under the guise of closure, the same establishment is being run in same shape or form at a different place. The closure in such situation is only a ruse or pretence. Once the Court comes to the conclusion that there is closure of undertaking, the motives of the employer ordinarily cease to be relevant. The Supreme Court held in *workmen, Straw Board Manufacturing Company Vs. Management* [1974 (1) L.L.J. 499] that no employer could be compelled to carrying on business if he chose to close it in truth and reality for reasons of his own. In another case reported in *Indian Hume Pipe Company Vs. their workmen* [1969 (1) L.L.J. 242] the Supreme Court observed:—

> "once the Tribunal finds that an employer has closed its factory, as a matter of fact, it is not concerned to go into the question as to be notice which guided him and to came to a conclusion that because of the previous history of the dispute between the employer and the employee the closure was not justified".

11. In another decision reported in workers of Padukkottah Textile Mill Vs. Management (Civil Appeal No. 1005 of 1963) the Supreme Court observed as follows:—

> In one case the management may decide to close down an undertaking because of financial or purely business reasons. In another case it may decide in favour of closure when faced with a situation in which it is considered either dangerous or hazardous from the point of view of the safety of the administrative staff or members of the

> management or even the employees themselves to carry on the business. The essence of the matter, therefore, is the factum of closure by whatever reasons motived.

In M/s. Parry & Co., Ltd., Vs. Judge, 2nd Industrial Tribunal (1970 LIC 1071) the Supreme Court observed as follows:—

> "It is well established that it is within the managerial discretion of an employer to organise and arrange his business in the manner he considers best. So long as that is bona fide it is not competent of a tribunal to question its propriety......... The legislature realised this position and therefore provided by Section 25F compensation to soften the blow of hardship resulting from an employee being thrown out of employment through no fault of his. It is not the function of the Tribunal, therefore, to go into the question whether such a scheme is profitable or not and whether it should have been adopted by the employer".

12. From the line of the afore-said decisions, it is the settled position that the closure is purely a managerial act. In order to show that the closure was ill-motivated, the burden necessarily rests with the workmen who allege that the closure was effected to victimise the workmen. If the workmen allege that after closing of the establishment another unit was opened with the same machineries, necessary evidence should be adduced to prove that. In this case there is only oral evidence that too tendered by the workmen themselves.

13. After the closing of the evidence, this dispute was posted for final hearing on 24-3-1983. The evidence was closed as early as on 10-3-1983. Then after, on two occasions, the case was adjourned on account of the absence of counsel representing the workmen. The matter was again posted for hearing on 7-4-1983 and on that day also, the counsel for the workmen was absent. Therefore the counsel of the employer was heard and the matter was taken up for passing award. In the afternoon of 7-4-1983 a petition was filed by the counsel appearing for workmen with a prayer that this Tribunal might conduct a spot inspection in accordance with Section 11 (2) of the Industrial Dispute Act. Strangely in that petition, prayer was made to enter the premises occupied by (1) Agro Machinery Corporation, Athani (2) Kerala State SIDECO Ltd., Raw Materials Division, Cochin-20 (3) Office of the Deputy Labour Officer, Fort Cochin and (4) The house compound of the employer. It appears the purport behind this the application was to have personal inspection of all documents in those offices by this Tribunal. I am afraid the counsel for the workmen had misunderstood even the scope of Section 11 (2) of the I.D. Act. When the workmen allege that with the very same machineries in the establishment a new unit was started at the premises

of the employer and the employer denies the same and explains the circumstances under which he was compelled to close the establishment, then for the proper determination of the issue, convincing evidence is required. Of course the workmen would have been justified if proper plea was made at the proper stage for having a spot inspection by this Tribunal. Either at the stage of evidence or then after or at least before the starting of final hearing of the matter, they could have moved such a petition. A petition to that behalf was filed only after the matter was taken up for passing award. Even on the day when the matter was finally argued by the counsel for the employer, neither workmen nor their counsel was present. Therefore according to me the workmen had failed to substantiate their allegation that in the guise of closure of establishment another unit was started by the employer. In these circumstances and other circumstances explained by the employee I have no hesitation in holding that the closure of the establishment was on unavoidable grounds.

14. In view of my finding that the closure of the establishment was on unavoidable circumstances and was on valid grounds compensation has to be determined with reference to the provisions contained in Section 25-FFF:—For convenience I shall extract Section 25-FFF:—

25-FFF: Compensation to workmen in case of closing down of undertakings—(1) Where an undertaking is closed down for any reason whatsoever, every workmen who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workmen had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to be workman under clause (b) of Section 25-F shall not exceed his average pay for three months.

Explanation.—An undertaking which is closed down by reason merely of—

(i) financial difficulties (including financial losses); or

(ii) accumulation of undisposed of stocks; or

(iii) the expiry of the period of the lease or licence granted to it; or

(iv) in a case where the undertaking is engaged in mining operations, exhaustion of the minerals in the area which such operations are carried on;

shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.

15. From a reading of Section 25FFF it is clear that if the closure of the establishment was on unavoidable circumstance the closure compensation shall have to be fixed in accordance with the proviso to Section 25FFF of the I.D. Act. As an explanation to Section 25-FFF, certain exclusion clauses are there to show the circumstance under which closure cannot be considered on unavoidable circumstances. The situation highlighted by the employer is not any of that kind. Therefore this is a clear case of closure on unavoidable circumstances. Hence the workmen are entitled only for wages not exceeding the average pay for three months as closure compensation.

16. In the above circumstances an award is passed holding that the closure of the establishment was on valid grounds. The four workmen viz., P. A. Sabastian, Jacob, T. C. Sabastian and N. X. Nelson are entitled for closure compensation in accordance with proviso to Section 25-FFF. The wage details given by concerned workmen which are dealt in para 6 of this award will be the basis for reckoning the closure compensation for four workmen mentioned above. Award is passed accordingly.

K. KANAKACHANDRAN,
Industrial Tribunal.

Appendix

Witness examined on the side of the Management:

MW1. Shri C. S. Manual

Witnesses examined on the side of the Workmen:

WW1. Shri P. A. Sebastian

WW2. „ K. A. Jacob

WW3. „ T. C. Sebastian

Exhibits marked on the side of the Workmen:

Ext.W1. Copy of the demand notice dated 15-6-1980 adduced to the Management.

„ W2. A letter addressed to the Management dated 24-8-1980.

„ W3. Copy of a letter dated 27-8-1980 addressed to the Management by the Union.

„ W4. A group photo of the workmen along with the Management.

Kerala Gazette No. 3 dated 17th January 1984.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1001|83|LBR. *Dated, Trivandrum, 1st September, 1983.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Secretary, Jnanodayam Sabha, Edacochin, Cochin-6 and Shri M. K. Manoharan, Manapurath House, Edacochin, Cochin-6 received by Government on 5-8-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

IN THE LABOUR COURT, ERNAKULAM

Present:

SHRI N. SUKUMARAN, B.sc., B.L.,

Presiding Officer

Wednesday, the 27th day of July 1983

INDUSTRIAL DISPUTE NO. 110 OF 1980

Between

The Secretary, Jnanodayam Sabha, Edacochin, Cochin-6

And

Shri M. K. Manoharan, Manapurath House, Edacochin, Cochin-6

Representations—

Shri O. T. K. Nambiar,
Advocate, Cochin-2. *For Management.*

Shri K. Janardhanan,
Advocate, Ernakulam. *For Workman.*

133 Eg./MC

AWARD

Dismissal of Shri M. K. Manoharan is the issue referred for adjudication by Government as per G. O. (Rt.) No. 1587|80|LBR dated 15-11-1980. The Management concerned is the Jnanodayam Sabha, Edacochin (hereinafter referred to as the Sabha) represented by its Secretary.

2. Shri Manoharan was initially placed under suspension pending enquiry on 31-5-1979. A charge containing three items of misconducts attributed to him was also served on him on that day. Disciplinary proceedings were initiated against Shri Manoharan who was in charge of cash connected with Cochin Fishery Industry owned and managed by the Sabha. He was found in possession on a surprise inspection by the Secretary, Vice President and Treasurer of the Sabha some amount in excess of what was due as per the accounts. In the charge served on 31-5-1979 the allegations were as follows:—

(i) An excess amount was detected in the cash box when a surprise check was made on 29-5-1979.

(ii) Manoharan refused to sign the cash verification report made on 29-5-1979.

(iii) Irregularities were committed in the accounts and other transactions.

A domestic enquiry was ordered into the charges and MW1, an Advocate, conducted the domestic enquiry. During the course of the enquiry a fresh charge dated 17-8-1979 was served on Shri Manoharan adding two more items of allegations. They are:

(i) There was a deficiency in cash to the tune of Rs. 115 when the charge was handed over on Manoharan's suspension on 31-5-1979.

(ii) Amount exceeding the permissible maximum limit of Rs. 500 was retained without being remitted in the Bank.

The Enquiry Officer found Shri Manoharan guilty of all the charges and accordingly he was dismissed. An industrial dispute was thereupon raised by Shri Manoharan and it resulted in the reference on the failure of conciliation.

3. In the charter of demands copy of which is appended to the reference, Shri Manoharan complained that he who was innocent of the allegations was proceeded against and dismissed without giving him sufficient opportunity to prove his innocence. He attacked the domestic enquiry as one held without adhering to the principles of natural justice. Bias was also attributed to the Enquiry Officer. He claimed reinstatement with all benefits.

4. The Management was asked to advance its defence in answer to the complaints in the charter of demands. In the initial written statement the Management raised certain technical objections only. That was to the effect that the Sabha is not an industry but a service oranisation, that Shri Manoharan was one of the Managing Directors discharging managerial functions and therefore he is not a worker and thus there is no industry or industrial dispute so as to attract the provisions of the Industrial Disputes Act. Later an additional written statement was filed by the Management contending further that Shri Manoharan is not entitled to any reliefs even if it is assumed that he is a worker and the Sabha's activities can be characterised as one falling within the definition of the "industry" in the Industrial Disputes Act. It is said that Shri Manoharan had committed grave acts of misconducts meriting the punishment of dismissal as was found in a properly conducted domestic enquiry.

5. The validity of the domestic enquiry was considered by me as a preliminary issue. I found as per my order dated 14-3-1983, copy of which is appended to this award as an annexure, that there was no proper enquiry in the sense that Shri Manoharan was not given sufficient opportunity to cross-examine one of the witnesses examined on the side of the Management. I had directed therein that the Management will be at liberty to opt to adduce fresh evidence or to continue from the stage where the enquiry was completed without the cross-examination of one of the witnesses. The Management opted to adduce fresh evidence and examined MWs. 2 and 3. In addition to Exts. M1 and M2 marked earlier Exts. M3 to M9 were also produced and proved. Shri Manoharan who was examined earlier as WW1 gave further evidence after the preliminary order. The documents produced and proved by him are Exts. W1 to W4. He also examined another witness as WW2.

6. At the first stage the objection of the Management that there is no industrial dispute was not considered which was deferred for decision after evidence on that aspect. So that objection has to be considered and disposed of before proceeding to the merits of the misconducts attributed to Shri Manoharan. The contention is that the Sabha is not an industry. Reliance is placed on the provisions of Ext. M3 bye-laws in support of this contention. Clause 5 of Ext. M3 enumerates the purpose for which the Sabha was formed and registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1952. There are various sub-clauses which indicate that profit making is not the motive and the main purpose is to work for betterment of its members who belong to the backward community of Dheevara. But it has come out in evidence that the Sabha was owning and managing Cochin Fishery Industry in which there are 53 fishing net units engaging 11 workmen to operate it. The catch from those nets were being sold in auction and the proceeds credited into the Bank account of the Society. Shri Manoharan and two others designated as Directors were appointed to control and manage the day to day affairs of that business. Ext. M7 is the

cash book maintained in connection with that unit. A perusal of that book will be sufficient to show that it was a business involving fishing and the disposal of catch of fish. The provisions of the bye-laws cannot, therefore, be pressed into service to say that the Sabha was carrying on only the activities for the betterment of its members as a charitable institution. The activities in connection with the fishing and disposal of the catch certainly amount to an industry as that term is defined in the Industrial Disputes Act.

7. The next objection is that Shri Manoharan designated as a Director was performing managerial functions and therefore he cannot be treated as a workman as defined in the Industrial Disputes Act. Clause 29 (d) of Ext. M3 prohibits a member of the Sabha being its office bearer and an employee simultaneously. The fact that Shri Manoharan is designated as a Director is relied on by the Sabha to argue for the position that he was an office bearer and therefore he cannot claim himself to be an employee. This argument is not acceptable for reasons more than one. The reference to office bearer in the particular clause is to those who are elected as per the other provisions of the bye-laws. For that reason alone the contention cannot stand to scrutiny as admittedly Shri Manoharan was not elected as an office bearer. The administration of the Sabha vests as per the bye-laws in an elected committee. The evidence is that Shri Manoharan and two others were appointed by the committee to function as the Directors of the industrial establishment Cochin Fishery Industry. It has also come out in evidence that Shri Manoharan was originally appointed as an ordinary worker in the fishing industry and later elevated to the position of one of the three Directors on a monthly salary of Rs. 215. That appointment though gloriously designated as Director does not mean that he is an office bearer of the Sabha. The developments on 29-5-79 indicate that the Secretary, Vice President and the Treasurer had the power of supervision over him. One charge is that he disobeyed the direction of the superiors not to keep more than 500 rupees with him without being remitted promptly in the Bank. The nature of duties discharged by Shri Manoharan and the two other Directors is also revealed in evidence. What has come out through the witnesses examined is that the fish that was being caught in the nets was being taken to the place of auction by the workmen. There it was auctioned by one of the then Directors who is examined before me as WW2. Bills are prepared in the names of successful bidders by the third Director who was acting as a Clerk. Shri Manoharan used to collect the cash as per the bills. He was also responsible for meeting other incidental expenses and also to remit the balance amount to the credit of the Sabha in the Bank. The three Directors also had the power to take disciplinary action against the workmen engaged in the fishing industry. The Directors also used to have meetings under the Presidentship of one or other of them to make decisions on minor matters. But the main duties of the Directors were manual and clerical in nature. The nominal functions to have disciplinary actions on the workers engaged in the industry does not mean that they are not workmen. When

all these facts and circumstances are taken together it can easily be found that Shri Manoharan was only a worker as that term is defined in the Industrial Disputes Act. When that is the position the objection that there is no valid industrial dispute has to be negatived and I do so.

8. Now the question remains as to whether Shri Manoharan is guilty of the misconducts covered by the two charges. The main allegation is that he was found possessing cash in excess of balance as per the accounts when the surprise check was conducted in the night of 29-5-1979. The sale of fish by auction is conducted in the night in the manner indicated earlier. MW2 was the then Secretary who along with two others conducted the surprise check. The specific charge is that the cash box contained Rs. 173 in excess of the balance as per the accounts. Ext. M4 is the report prepared by MW2 and his colleagues regarding the cash verification. Manoharan's case is that there was no difference between the actual cash balance and the balance as per the accounts and that the excess amount of Rs. 173 of which mention is made in Ext. M4 and the charge was recovered from the personal funds kept by him in his shirt pocket. This is not a new case advanced by Shri Manoharan before this Court. Ext. M4 itself indicates that he had raised such a claim on the spot. MW2 had categorically stated before me that the total cash in which the excess was detected included the money in the cash box as well as the money taken out of the shirt pocket of Shri Manoharan. MW2 has also stated that there is no prohibition against the Director in charge of cash in keeping his personal funds while on duty. When that is the position it cannot safely be said that cash in found in excess was concerning the business of the industry. The fact that an excess amount was found in the cash is treated as a grave offence stating that the only inference that could be drawn is that the transactions are held without writing bills properly. But the evidence is that the auction is held by WW2 and bills prepared by the 3rd Director who acts as the Clerk. If that be so payments are made to Shri Manoharan according to the bills so made. Then there is no possibility for Shri Manoharan to collect money out of the way. When all these facts and circumstances are taken together the allegation that he committed a misconduct in keeping more money than what was there in the balance as per the account cannot be accepted and treated as a basis for punishment. So the first item of the charge is not established as a misconduct.

9. The 2nd item is that Shri Manoharan refused to sign Ext. M4 report regarding verification. The report concludes with a record that Manoharan refused to sign it. Lower down it is recorded that Shri Manoharan had claimed that it should be mentioned in the report that the excess amount was his personal funds recovered from his pocket. Manoharan's case is that he refused to sign the document because his case that a record according to his defence should also be made in it was not conceded. MW2 has also given evidence that Shri Manoharan wanted such a record before he could affix his signature. The sequence in which facts are reported in Ext. M4

indicates that Shri Manoharan's refusal to sign the document is stated first and thereafter his request for incorporation of his defence recorded. Nothing has come out in evidence that he was asked to sign after recording the plea that was advanced by Shri Manoharan. Even before that they have recorded in Ext. M4 that he refused to sign. The only reasonable inference that could be drawn in the circumstances is that Shri Manoharan was not asked to sign after entering the subsequent portions. In the circumstances of the case Shri Manoharan was well within his rights to advance a claim that he could sign the record only if his version of the case was also forming a part of the same. The refusal to sign a document in the circumstances cannot be treated as a misconduct. So this item of the charge is also not established as a misconduct.

10. The 3rd item in the original charge is that Shri Manoharan committed irregularities in the accounts and other transactions. Details are wanting in that charge. It is also not established that Shri Manoharan committed any such irregularities. If we go by the evidence the accounts were not maintained by him. There was a Clerk in charge of the accounts. The ambiguous statement that he committed irregularities in other matters cannot be considered as the details are wanting. So it can be found without further discussions that Shri Manoharan is not guilty of this charge also.

11. The next item comes under the additional charge and that is to the effect that he had handed over only 115 rupees less than the cash balance as per the book when he handed over charge on his suspension to the substitute. The shortage is admitted The defence is that, that shortage was already there even when Shri Manoharan took charge from his predecessor. But this is not a valid defence. If there was shortage when he took charge then he had a duty to mention the same and make appropriate entries in the accounts or bring that matter to the notice of the office bearers of the Sabha for appropriate action. That having not been done it cannot successfully be contended when he was asked to hand over charge that a shortage was being carried forward ever since he took charge. The Sabha has no case that Shri Manoharan has misappropriated this amount. It is also worthwhile to notice that there was no deficiency in the cash till the 29th when the surprise check was made. So it cannot be said that Shri Manoharan has committed misappropriation. The Sabha also does not treat this as an item of misappropriation but it is only treated as a misconduct. The accounts were regularised by the Sabha subsequently as could be seen from the records by debiting that much amount against Shri.Manoharan. So this is only an irregularity which can be treated as a civil liability. To that extent Shri Manoharan is guilty.

12. The last count is that Shri Manoharan kept with him more than the permissible amount of. Rs. 500 on 14-5-1979 instead of remitting it to the credit of the Sabha in its Bank account. Ext. M7 is the account book containing the accounts of the relevant date. The closing balance on 13-5-1979

was Rs. 1410.26. No remittance was made in the Bank on 14-5-1979. The balance outstanding at the close of that day was Rs. 3017.32. Rs. 3400 was remitted in the Bank on the 15th reducing the balance at the close of that day to less than Rs. 500. No record is proved in evidence to show that there was a mandatory restriction regarding the balance that could be kept with Manoharan in his capacity as the Cashier of the Fishery Industries. What is alleged is that there are directions of the superiors not to keep more than Rs. 500. That there was such a direction is not in dispute. It may be said that there was a violation of an official direction from the superiors. To that extent the keeping of the larger amount can be regarded as a misconduct.

13. From what has been stated above it follows that Shri Manoharan was not guilty of any of the serious misconducts with which he was charged. There are only the two minor irregularities as is found by me. The question is as to whether Shri Manoharan deserves the punishment of dismissal. I have no hesitation to say that the misconducts are not serious enough to sustain that punishment. Then the further question is as to what reliefs Shri Manoharan is entitled to. It has come out in evidence that WW2 had retired on superannuation and that the other Director who was then functioning was retrenched on abolition of the system of management through permanent Directors and at present Directors are appointed for a definite term of one year from 1-8-1980. That the position is so is evident from Ext. M9 annual report for the year 1980-81. It is stated therein that the new system was introduced in order to improve the functioning of the industry. By adopting the new course the other Director was retrenched on payment of compensation. Shri Manoharan has admitted in his evidence that he is now employed otherwise occasionally. In these state of affairs reinstatement is not called for. A direction for reinstatement of Shri Manoharan in the peculiar circumstances of this case will only add further confusions as the industry is owned and managed by a charitable institution. At any rate Shri Manoharan also would have been retrenched along with his fellow Director had he continued in service on 1-8-1980. In the circumstances of this case a direction for payment of retrenchment benefits and back wages upto 1-8-1980 as though Shri Manoharan was retrenched will be sufficient and adequate relief. The benefits works out as follows:—

Shri Manoharan had put in 20 years of service when he was suspended in 1979. He would have completed 21 years service had he continued without break. His monthly salary was Rs. 215. He is entitled to retrenchment benefit and gratuity for 21 years—together amounting to 21 months salary. (21 x 215=Rs. 4,515). Back wages can be limited to 14 months ignoring the few days. That works out to 14 x 215=Rs. 3,010. The total benefits due is Rs. 7,525. Shri Manoharan is a debtor to the Sabha to the tune of Rs. 115 being the deficiency in cash balance at the time he handed over charge. This much amount will be deducted from the benefits due to him. The balance is Rs. 7,410.

14. In the result an award is passed directing the Management Sabha to pay Rs. 7,410 (Rupees seven thousand, four hundred and ten only) as detailed above to Shri Manoharan. Shri Manoharan is not entitled to any other reliefs.

Ernakulam,
27-7-1983.

N. SUKUMARAN,
Presiding Officer.

APPENDIX

Witnesses examined on the Management's side:

MW1 Shri A. K. Chinnan.
MW2 " Karunakaran.
MW3 " Mukundan.

Witnesses examined on the Workman's side:

WW1 Shri Manoharan.
WW2 " Krishnan.

Exhibits marked on the Management's side:

Ext. M1 The file containing the papers of enquiry proceedings and the report in the enquiry held against Shri Manoharan.
" M2 The file containing the correspondence in connection with the domestic enquiry.
" M3 By-laws of Jnanadayam Sabha.
" M4 Inspection report of M|s. Karunakaran, Secretary of the Sabha and two others dated 29-5-1979 (in Ext. MI).
" M5 Committee minute book of the Jnanadayam Sabha from 8-8-1979.
" M5(a) Page 18 of Ext. M5.
" M6 Proceedings book of the Directors' book from 26-6-1970.
" M7 Day book for the year 1979-80.
" M7(a) Pages 64 and 65 of Ext. M7.
" M8 Annual report of the Jnanadayam Sabha for the year 1979-80.
" M9 Annual report of the Jnanadayam Sabha for the year 1980-81.

Exhibits marked on the Workman's side:

Ext. W1 A communication dated 15-3-1979 from the Secretary Jnanadayam Sabha to the Director Board Members, C. F. I. Edacochin.
" W2 Copy of a communication dated 7-8-1977 from Shri Manoharan to the Jnanadayam Sabha.
" W3 Income and expenditure statement to the C. F. I. Edacochin from 1-4-1979 to 30-3-1980.
" W4 Budget of the Jnanadayam Sabha dated 15-6-1979.

Annexure

IN THE LABOUR COURT, ERNAKULAM

Present

SHRI N. SUKUMARAN, B.sc., B.L.,

Presiding Officer

Monday, the 14th day of March, 1983

INDUSTRIAL DISPUTE No. 110 OF 1980

Between

The Secretary, Jnanodayam Sabha, Edacochin, Cochin-6.

And

Shri M. K. Manoharan, Manapurath House, Edacochin, Cochin-6.

Representations:

Shri O. T. K. Nambiar,
Advocate, Cochin-3. For *Management*.

Shri K. Janardhanan,
Advocate, Ernakulam. For *Workman*.

ORDER

Dismissal of Shri M. K. Manoharan is the issue involved in this case. In the charter of demands appended to the reference it is alleged that Shri Manoharan who was serving with the industrial establishment, Cochin Fishery Industrial, Edacochin belonging to the Jnanodayam Sabha, continously for 20 years, was placed under suspension on 31-5-1979 and subsequently dismissed after an improper domestic enquiry without any valid reasons whatsoever. It is complained that the enquiry was conducted and concluded by a biased enquiry officer appointed for the purpose without giving adequate opportunity to Shri Manoharan to defend himself. Reinstatement with all benefits is claimed.

2. The Jnanodayam Sabha (hereinafter referred to as the Sabha) has filed a preliminary objection stating that there is no industrial establishment as claimed by Shri Manoharan and that the sabha is a service organisation registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act of 1952 functioning for the well-being of its members who belong to the Dheevara community and that Shri Manoharan who was one of the members of the Director Board was not a worker. On this contention it was stated that it may be found that there is no industry or

industrial dispute which could be resolved by way of an adjudication. Later an additional written statement was filed by the Sabha raising the following further contentions:—

Shri Manoharan was handling the affairs and cash of the Sabha. He misappropriated funds. When the then Secretary and Vice-President conducted a Physical check of cash handled by Shri Manoharan on 29-5-1979 it was found that there was unaccounted cash to the tune of Rs. 173.52. So Shri Manoharan was relieved of his duties on 31-5-1979. On the same day a charge-sheet was also served on him. A further charge was also served on 17-8-1979. Shri A. K. Chinnan, an Advocate, was appointed to conduct an enquiry into the charges. A proper enquiry was conducted by Shri Chinnan. Shri Manoharan was given all reasonable opportunities to defend himself at the enquiry. The Enquiry Officer found Shri Manoharan guilty of the charges. Shri Manoharan was dismissed on the basis of those findings. The dismissal is legal and sustainable. Shri Manoharan is profitably self employed and therefor he is not entitled in any event to reinstatement or other reliefs.

3. A rejoinder is also filed by Shri Manoharan. The allegation that he was a member of the Director Board of the Sabha is denied. The contention that he was only an employee is reiterated. It is further stated that there is an industry and an industrial dispute which has to be resolved in this adjudication.

4. As there was a domestic enquiry the validity of which is in dispute it was decided to consider that aspect as a preliminary issue leaving open the other contention that there is no industrial dispute to be gone into at a later stage. The Enquiry Officer was examined as MW1. Exts. M1 and M2 the relevant documents concerning the domestic enquiry were marked through him. Shri Manoharan gave evidence as WW1. The bye-laws of the Sabha was also marked on consent as Ext. M3. This is all the evidence available at this stage.

5. The question to be decided as per this order is whether there is a valid and proper domestic enquiry. One objection is that MW1 enquired into certain additional charges which were not served on Shri Manoharan before the enquiry started and that that procedure was irregular. It is common case that the initial charge was served on Shri Manoharan on 31-5-1979. He had submitted his explanations on 6-6-1979 wherein he had denied the charges and explained the circumstances under which excess amount was found in his possession when a surprise check was made by the Secretary and the Vice-President of the Sabha. There items of charges were enumerated in the charge-sheet dated 31-5-1979. They were;

(i) an excess amount was detected in the cash box when checked on 30-5-1979 (amount not specified);

(ii) Manoharan refuse to sign the cash verification report; and

(iii) irregularities were committed in the accounts and other transactions.

The details were not present in that charge. In the explanation to which reference was already made Shri Manoharan had denied the charges while admitting that there was an excess amount with him at the time of the verification. He had also offered his own explanations for the same.

6. MW1 had his first sitting for the enquiry on 27-6-1979. It was adjourned to 30-6-1979 after settling certain procedures to be adopted at the enquiry. On 30-6-1979 Shri Manoharan submitted an application that he may be permitted to have the assistance of Shri K. C. Purushan at the enquiry. An adjournment to 6-7-1979 was granted to consider that request. But there was no enquiry on that date as scheduled. The enquiry proceedings in Ext. M1 shows that the Enquiry Officer had decided to withhold the enquiry until further intimation to the parties and therefore it was resumed on 15-9-1979 with notice to the parties. Shri Manoharan participated in the enquiry on 15-9-1979. On that day his request for the assistance of Shri K. C. Purushan was allowed. Copy of the list of witnesses whom the Management proposed to examine was served on Shri Manoharan. A copy of the charge-sheet dated 17-8-1979 was also served on him. The enquiry was adjourned to 21-9-1979. On 21-9-1979 Shri Manoharan raised an objection that the enquiry into the charges in the charge-sheet dated 17-8-1979 should not be held and it has to be confined to the initial charge dated 31-5-1979. The Enquiry Officer ruled that the enquiry will be conducted against the items of misconducts enumerated in the amended charge dated 17-8-1979. Then Shri Manoharan staged a walk out and the first witness for the Management was examined in his absence.

7. Now the complaint is that the Enquiry Officer went wrong in overruling the objection that the fresh or amended charge should not be considered. The amended charge dated 17-8-1979 is also available in Ext. M1. Item No. 1 gives the details of the cash as was available in the box at the time of physical verification on 29-5-1979. It is further stated therein that there was an excess of Rs. 173.52 when compared to the accounts and documents. It was further suggested that amounts collected on behalf of the Sabha were not duly accounted with a view to misappropriate the same. Item No.2 relates to the failure of Shri Manoharan to sign the statement drawn up at the checking of the cash balance. These two items are practically item Nos. 1 and 2 of the earlier charge-sheet with details which were absent earlier. Item No. 4 of the amended or additional charge is practically a repetition of Item No. 3 of the initial charge. Item Nos. 3 and 5 of the charge-sheet dated 17-8-1979 are fresh items. Item No. 3 states that Shri Manoharan when he handed over charge to the substitute on 31-5-1979 failed to hand over the entire cash and there was actually a deficiency of Rs. 115. Item No. 5 states that an amount of Rs. 3,017.32 was kept in hand as cash on 14-5-1979 instead of remitting the same in the Bank and that amounts to temporary misappropriation. Incorporation of additional charges was before the evidence was started and there was nothing improper in enquiring into them.

8. The Enquiry Officer was appointed to enquire into three items of misconduct. Shri Manoharan was also given a chance to explain those items. During the course of the enquiry two more items of misconducts were included and a fresh or amended charge served on him. But he was not given an opportunity to explain the additional items of misconduct attributed to him. Of course the Enquiry Officer was correct in ruling that a charge could be amended at any time before the evidence is recorded. But even then an opportunity should have been given to Shri Manoharan to explain the additional items of misconducts raised against him. That is not seen to have been done. It is true that he did not ask for such an opportunity. Instead he boycotted the enquiry when the ruling came against him. The first witness was also examined in his absence.

9. The enquiry after the examination of the first witness was adjourned to 12-10-1979. Shri Manoharan participated in that enquiry with Shri K. C. Purushan who was permitted to assist him. He filed an application that the Enquiry Officer is biased and therefore he has to be changed. The second witness for the Sabha was present. But the enquiry was adjourned to 19-10-1979. Manoharan's request to have a copy of the deposition of the 1st witness examined in his absence was allowed. The enquiry was not held on that day, but with previous notice it was resumed to 21-10-1979. Shri Manoharan and Shri Purushan were present. Copy of the deposition of the 1st witness was served on Shri Manoharan and the 2nd witness was examined on that day and on the adjourned date 28-10-1979. On 28-10-1979 the chief examination of the 2nd witness was completed in the presence of Shri Manoharan and the enquiry adjourned to 31-10-1979. Then that was adjourned on the request of Shri Manoharan to 10-11-1979. He was not present on that day and therefore adjourned to 18-11-1979. On that day nothing could be transacted due to the inconvenience of the Enquiry Officer. The enquiry was, therefore, adjourned to 23-11-1979 when 2nd witness was present, but not cross-examined as Manoharan applied for time. That was also allowed and the enquiry adjourned to 24-11-1979 on which day the 2nd witness was present. He was not examined as Shri Manoharan wanted to scrutinise certain documents produced. The adjourned date was 25-11-1979. Shri Manoharan was present. But the 2nd witness could not cross-examined as Shri Purushan could not be present. Manoharan's request to have an opportunity to cross-examine the 1st witness was allowed and the case adjourned to 2-12-1979. On 2-12-1979 the 1st witness was present. Shri Manoharan was not present and the witness wanted to leave on account of his personal matters. The witness left and then only Shri Manoharan made his appearance. The enquiry was therefore adjourned to 7-12-1979. Manoharan's request to recall the 1st witness examined on the side of the Management was adjourned for consideration and the case was adjourned for the defence evidence to 8-12-1979. Thereafter Shri Manoharan did not participate in the enquiry inspite of several notices. So the enquiry was completed in his absence and the findings of guilt rendered on the basis of the unchallenged evidence of the two witnesses examined.

10. The question to be considered is as to whether Shri Manoharan had been given sufficient opportunity to defend himself. The proceedings paper show that the Enquiry Officer had granted all requests of Shri Manoharan for adjournments. His request for permission to cross-examine the 1st witness examined in his absence was also granted. That witness was present on one occasion. But the witness did not remain till the appearance of Shri Manoharan. That witness was not thereafter made available for cross-examination. Though the Enquiry Officer was fair in giving all the adjournments it is evident that the first witness was not prepared to co-operate with the Enquiry Officer and make himself available for cross-examination. Though he appeared on one day he left even without waiting for Shri Manoharan who had appeared within five minutes of the scheduled time. This is a case where serious allegations were raised against Shri Manoharan. Though he boycotted the enquiry on certain occasions he is seen to have been ready and willing to participate at the subsequent stages. He finally withdrew from the contest only when the case was posted for his evidence without taking a decision as to whether he will be permitted to cross-examine the witnesses on the side of the Management. It is not evident from the proceedings that the Enquiry Officer had at any subsequent stages decided in favour of Shri Manoharan in the matter of further examination of the two witnesses already examined. As matters stood then the case was posted only for the defence evidence before the cross-examination of the Management's witnesses. In these state of affairs Shri Manoharan's failure to participate in the enquiry further is justifiable. The enquiry is therefore not proper. It has to be set aside as incomplete.

11. Now the question remains as to whether the entire proceedings has to be set aside. My answer is in the negative. If the Management so opts it is sufficient in the fresh enquiry that is to be started before this court to proceed from the stage where the two witnesses for the Management had been examined. Of course the Management will be at liberty to opt for adducing fresh evidence ignoring the enquiry proceedings. With these directions the enquiry proceedings and the report of the enquiry officer are set aside. Ordered accordingly.

Dictated to the Confidential Assistant, transcribed and typed out by him, corrected by me and declared in open court on this the 14th day of March, 1983.

N. SUKUMARAN,
Presiding Officer.

GA. 133/MC

Kerala Gazette No. 3 dated 17th January 1984.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 1344/83/LBR. *Dated, Trivandrum, 23rd November 1983.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Manager, Kinalur Estate, Balusseri and their workman represented by Sri. A. Kunheeran, President, Kozhikode District Estate Labour Congress (Reg. No. 46/66), P.O. Kondotty, Malappuram District received by Government on 15-11-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947) Central Act XIV of 1947).

By order of the Governor,

K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Kozhikode, Kerala State

Dated this the 25th day of October, 1983

Present:

HAJEE P. A. SHAHUL HAMEED, B. A., B. L.

Presiding Officer

In

I.D. No.23/83

Between:

The Manager, Kinalur Estate Balusseri .. *Management*

And

Sri A. Kunheeran, President, Kozhikode District Estate Labour Congress (Reg. No.46/66) P.O. Kondotty, Malappuram District. .. *Union*

presentation:—

Shri K.V.R. Shenoi, Advocate, Calicut .. For *the Management*

G A. 174/J.

AWARD

1. This Industrial Dispute is referred by the Government as per G.O. (RT) No. 527/83/LBR dated 16-5-1983 regarding the dismissal of Sri V.P. Abdul Kareen from Kinalur Estate for adjudication. When this reference was received in this court, notices were issued to both parties.

2. The management appeared and filed statement. In the statement filed by the management it is stated that the worker was dismissed for the grave misconduct of (1) theft, fraud or dishonesty in connection with employer's business or property and (2) riotous or disorderly behaviour on the premise of the estate, for which he was charge-sheeted. On 30-1-1980 he was found stealing about one Kilogram of scrap rubber. A domestic enquiry was held in accordance with the principles of natural justice. The worker was given every opportunity to cross-examine the witnesses examined in support of the charges levelled against him. Inspite of repeated opportunities given, he did not appear for the enquiry. He refused to accept the enquiry notice. He was informed that if he absence himself in the enquiry, the enquiry will be held in hisa bsence. The Enquiry Officer found him quilty. Taking into consideration the gravity of the misconducts proved it was decided to dismiss him from service. Hence he was dismissed from service and he is not entitled to be reinstated with or without any backwages.

3.. The workman though served with notice remained absent and he was set ex parte. An affidavit is filed by the management. There is no evidence in support of the claim of the workman. In the absence of any claim statement and evidence, it cannot be said that there is any dispute pending between the parties requiring adjudication. Hence I pass the award holding that there is no dispute existing between the parties requiring adjudication.

4. This award will come into force 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant transcribed by him revised corrected and passed by me on the 25th day of October 1983.

Labour Court,
Kozhikode.

HAJEE P.A. SHAHUL HAMEED,
Presiding Officer.

Kerala Gazette No. 3 dated 17th January 1984
PART I

GOVERNMENT OF KERALA

Public Relations (E) Department

NOTIFICATION

No. 44273/EI/83/PR. *Dated, Trivandrum, 30th December*, 1983.

Feature films, Documentary films and Children's films in Malayalam in black and white and colour (35 mm) censored during the calender year 1983 are invited from producers as per conditions laid down in the rules relating to Kerala State Award for Malayalam Films for selecting films, artists, technicians, etc., for State Awards for Malayalam Films 1983. Application in the prescribed form along with the print of the films and other relevant materials should be furnished to the Director of Public Relations on or before 31-1-1984. The application forms and rules can be had on request in writing from the Director of Public Relations on payment of Re. 1 either in cash or by money order.

KERALA STATE AWARDS FOR MALAYALAM FILMS 1983

RULES

1. (1) These rules shall be called rules for the Kerala State Awards for Malayalam Films.

(2) The object of these awards is to encourage the production of films in Malayalam of high aesthetic and technical standard and of social, educational and cultural values.

(3) The following categories of awards will be available under these rules :

(i) Feature Films in Malayalam

Award for the best feature film	Cash award of Rs. 20,000, a replica and a certificate to the Producer and Rs. 10,000, a replica and a certificate to the Director
Award for the second best feature film	A cash award of Rs. 10,000 a replica and a certificate to the Producer and Rs. 5,000 a replica and a certificate to the Director
Award for excellence in Direction	A cash award of Rs. 10,000, a replica and a certificate

Award for the best Actor of the year	A cash award of Rs. 5,000, a replica and a certificate
Award for the best Actress of the year	A cash award of Rs. 5,000, a replica and a certificate
Award for the Best supporting role of the year (male)	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best supporting role of the year (female)	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best child Artiste of the year	A cash award of Rs. 2,000, a replica and a certificate
Award for the Best story writer of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for excellence in Cinematography	A cash award of Rs. 3,000, a replica and a certificate to the best Cameraman of a Black and White film
Award for excellence in Cinematography (Colour)	A cash award of Rs. 3,000, a replica and a certificate to the best Cameraman of a colour film
Award for the Best screen play of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for the best lyrist of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for excellence in Music Direction	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best Male-Play-back Singer of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best Female-Play-back Singer of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best Film Editor of the year	A cash award of Rs. 3,000, a replica and a certificate
Award for excellence in Art Direction	A cash award of Rs. 3,000, a replica and a certificate
Award for the Best sound Recordist of the year	A cash award of Rs. 3,000, a replica and a certificate

(ii) **Documentary Films**

Award for the best documentary film (on subjects relating to Kerala in Malayalam and in other languages)	A cash award of Rs. 3,000, a replica and a certificate to the Producer and Rs. 2,000, a replica and a certificate to the Director

(iii) Children's Films in Malayalam

Award for the best children's film	A cash award of Rs. 3,000, a replica and a certificate to the Producer and Rs. 2,000, a replica and a certificate to the Director

(iv) Special Award

1. A special award for the best Malayalam film with aesthetic quality and popular appeal	A cash award of Rs. 10,000 and a certificate to the Producer of the film

Explanatory Note—The terms "Producer", "Director", "Cinematographer", "Actor", "Actress", "Child Artiste", "Story Writer", "Screen Play Writer", "Lyric Writer", "Music Director", "Play-Back-Singer", "Film Editor" and "Art Director" used in these rules will be construed as referring to the "Producer", "Director", "Cameraman", "Actor", "Actress", "Story Writer", "Screen Play Writer", "Lyric Writer", "Music Director", "Play-Back-Singer", "Film Editor" "Art Director", and Sound Recorder as the case may be, as given in the credit titles of the film entered in the competition duly certified by the Central Board of Film Censors. The term "Music" in the case of Music Direction will include back-ground music as well as songs, if any. The term 'Child-Artiste' refers to one under sixteen years of age.

11. (1) There will be a Judging Committee (hereinafter called the Committee) to examine and select the best films, artistes and technicians who are to be given awards.

(2) "The Committee will consist of seven members, including the Chairman. The term of the non-official members of the Committee will be three months from the date of constitution of the Committee The Director of Public Relations or his nominee from the Public Relations Department will represent the Government in the Committee and will function as the member Secretary of the Committee. The other six non-official members including the Chairman, to be nominated by the Government, will be persons who are distinguished in the field of motion picture, art, culture, literature or aesthetics".

(3) If the Chairman of the Judging Committee finds it inconvenient to attend two or more meetings of the committee, the committee will have the power to elect a working Chairman.

(4) The quorum of the Committee shall be more than half the number of members.

(5) No person who has a share in the production or distribution of any film entered for the awards shall be a member of the Committee.

(6) The awards will be decided by the Government on the recommendation of the Judging Committee. The Committee will make their recommendations to Government.

(7) The decisions of the Government of Kerala will be final in respect of the Awards and of interpretation of these Rules and no appeal shall lie against them.

(8) A person who participates in the Kerala State Awards for Malayalam Films under these rules shall be deemed to have accepted these rules.

III. The Director of Public Relations will arrange the screening of films at a public or private theatre for the Judges to examine the quality of films and the efficiency of artistes, producers, directors and technicians. The Director of Public Relations, may, at his discretion utilise the screening of films for the Judging Committee as a film festival and allow public entry into the theatre on a nominal charge. The entrants to the Award contest shall have no right to raise objections to the exhibition of films in public by ticket system.

IV. (1) Entries for the awards will be invited every year by the Director of Public Relations by a date to be specified in a notification to be published in the Kerala Government Gazette.

(2) Only films in respect of which censor's certificate were issued in the calendar year will be eligible for entry.

(3) The application for entry shall be in the prescribed form which will be sent to the interested parties by the Director of Public Relations on request in writing. The price of each application form will be Re. 1 which may be remitted by money order or paid in cash.

(4) The applications for entry will be addressed to the Director of Public Relations and should reach him before the time and date specified in the notification.

(5) Separate application should be sent in respect of each entry.

(6) The following should also be sent to the Director, Public Relations simultaneously with the forwarding of the application:—

(a) A new print of the film entered.

(b) Twenty copies of the songs. Names of the Music Director, Lyric Writer and Playback artiste should be mentioned in the case of each song separately.

(c) 20 copies of the synopsis of the story. The synopsis should remain within about two typed pages.

(d) 20 typed copies of the casts mentioning the respective role against each artiste and the address of each artiste.

(e) 20 still photograghs pertaining to the scenes and characters in the film.

(f) 20 copies of brochure, if any, and 20 copies of posters if available.

(g) Two certified copies of the credits as they appear in the film.

(h) Certified true copy of Certificate issued by the Central Board of Film Censors.

(7) All transport costs on the consignment and return of the film and publicity materials will be payable by the entrant.

(8) All films will be submitted at the owner's risk and while the Government of Kerala will take all reasonable care of the film submitted, it will not be responsible for any loss or damage to the film while in their possession.

(9) The decision of the Government of Kerala whether a film is eligible to be entered for the awards and whether any film is a feature film, children's film or documentary film, and whether a film comes under the category of "completely shot in Kerala" for the purpose of entry for the awards will be final.

(10) Entries entered in one category shall not be eligible for entry in another category.

(11) No award will be given in a category for which the number of entries received is less than two.

(12) If a particular award is given to more than one person the cash award will be shared equally by them.

(13) A film which is a dubbed version or a retake or any adaptation of a film produced in another language which has won an award for films shall not be considered for the awards under these rules. The entrant shall certify that the film is not a dubbed version or retake or adaptation as aforesaid.

(14) The Committee shall have the discretion not to recommend the grant of any particular award.

(15) The Committee shall have the discretion to recommend a special award of Rs. 10,000, a replica and a certificate to outstanding brilliance in any aspect of cinematic Art in the films screened before the Committee.

(16) Canvassing in any form shall make the entry invalid and shall disqualify it for awards.

(17) The last date of entry may be relaxed at the discretion of Government of Kerala in exceptional cases.

V (1) The awards shall be presented to the winners at a function which will be held at such place and on such date as the State Government may determine.

(2) The award winners shall receive the awards in person at the function or they shall receive it from the Director of Public Relations on any working day within one month after the day of the function. If they fail to do so the award will be sent to the respective winners by registered post.

(3) In case documentary films produced by the State Government are entered for the competition the Government representative in the Committee should not exercise their voting rights when the final selections made.

VI (1) Government shall be entitled to have two prints of the film which receives an award. One of these prints will be retained by the Public Relations Department. The other print will be forwarded to the National Film Archieves of India. The cost of these prints viz. cost of raw materials and processing charges will be reimbursed to the producers by the Public Relations Department and the NFAI if brand new prints are made available within three months from the date of announcement of the awards. If the brand new prints are not supplied within three months of the announcement of the awards, then no reimbursement will be made and the print entered for the award will be retained by the Government without any compensation to the Producer.

(2) The Government shall also retain the right to screen such films with or without tickets in connection with functions organised by Government.

T. K. Rajasekharan,
Director of Public Relations.

Trivandrum.

Serial No...............

Last date for receipt of entries: 31-1-1984

Application Form

KERALA STATE AWARDS FOR MALAYALAM FILMS, 1983

1. Name and address of the entrant	
2. Title of the Film	
3. Category (Score out what is not applicable)	Feature film/ Documentary/Children's Film
4. Whether colour or black and white	
5. Length, guage and running time of the film	
6. Number of reels	
7. Name and address of the Producer, with telegraphic address, if any	
8. Name and address of the Director	
9. Details of the Star-cast with names and addresses (use extra plain sheet if necessary)	
10. Name and address of child artists under 16 years of age, if any	
11. Name and address of the story-writer	

12. Name and address of the screen play writer	
13. Name and address of the Cinematographer	
14. Name and address of the lyricist	
15. Name and address of the Music Director	
16. Name and address of the play back singers	
17. Name and address of the Film Editor	
18. Name and address of the Art Director	
19. Name and address of the Sound Recordist	
20. Number and date of issue of Censor certificate	
21. Whether the film is completely produced in Kerala or not	
22. Please state whether the entry (print of film) has been sent and if so, date of despatch	

CERTIFICATE

I certify that the film is not a dubbed version or an adaption or a re-take of a film made in another language which has already won any award.

I further certify that the above statements made by me are true to the best of my knowledge and belief.

I hereby agree that the Kerala Government shall be entitled to exhibit this film, at a 'festival of films' which may be organised by Government, admission to which may be regulated by a nominal fee, without any payment to me. I also agree to make available the print of the film in the event of its receiving an award whenever requisitioned by the Government of Kerala.

Place:

Date:

Signature of the Applicant.

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1984

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GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G.O. (Rt.) No. 54/84/LBR. *Dated, Trivandrum, 16th January,* 1984.

S. R. O. No. 52/84.—In exercise of the powers conferred by sub-section (1) of section 24 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), and in supersession of notification G.O. (Rt.) No. 1175/81/LBR dated the 7th September, 1981, published as S.R.O. No. 1219/81 in Part I of the Kerala Gazette No. 43 dated the 27th October, 1981, the Government of Kerala hereby appoint the Officers mentioned in column (2) of the Schedule below to be Inspectors for the purposes of the said Act in respect of the establishments specified in column (3) of the said Schedule with headquraters and jurisdiction as specified against each in columns (4) and (5) thereof, respectively, namely:—

33/221/MG.

SCHEDULE

Serial Number	*Designation of officers*	*Class of establishments*	*Headquarters*	*Jurisdiction*
(1)	(2)	(3)	(4)	(5)
1.	Labour Welfare Fund Inspector, Trivandrum	Any establishment falling under sub-clauses (i), (ii), (iii), (iv) or (v) of clause (f) of section 2 of the said Act and any other establishment which the Government may by notification in the Gazette, declare under sub-clause (vi) of the said clause (f) to be an establishment for the purposes of the said Act.	Trivandrum	Revenue Districts of Trivandrum, Quilon and Alleppey
2.	Labour Welfare Fund Inspector, Kottayam	do.	Kottayam	Revenue Districts of Kottayam, Idukki and Pathanamthitta.
3.	Labour Welfare Fund Inspector, Ernakulam	do.	Ernakulam	Revenue Districts of Ernakulam, Trichur and Palghat.
4.	Labour Welfare Fund Inspector, Calicut	do.	Calicut	Revenue Districts of Calicut, Malappuram, Wynad and Cannanore.

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

According to section 24 (1) of the Kerala Labour Welfare Fund Act 1975 the Government have to appoint the Labour Welfare Fund Inspectors and define their local limits within which and the class of establishments in respect of which they shall exercise their function. In the notification No. G.O. Rt. 1175/81/LBR dated the 7th September 1981, appointing the Labour Welfare Fund Inspectors and defining their local limits the class of establishments in which they shall exercise their powers has not been specified. It has been decided to prescribe the class of establishments and also to refix the headquarters and the jurisdiction of the Labour Welfare Fund Inspectors in the notification. The notification is intended to achieve the above purpose.

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